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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the Sudan

Report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission on Human Rights resolution 1995/77

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INTRODUCTION

1. The present report is the third report submitted by the Special Rapporteur to the Commission on Human Rights (see E/CN.4/1994/48 and E/CN.4/1995/58) and the sixth overall report by the Special Rapporteur (see also A/48/601, A/49/539 and A/50/569).

2. In its resolution 1995/77 of 8 March 1995 entitled "Situation of human rights in the Sudan", the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for an additional year.

3. On 28 July 1995, the Special Rapporteur addressed a letter to the Government of the Sudan through the Permanent Mission of the Sudan to the United Nations Office at Geneva requesting permission to undertake a mission to the country. As of the date on which the present report was finalized, the Special Rapporteur had received no response from the Government of the Sudan.

4. Pursuant to the recommendation in resolution 1995/77 that he begin consultations with the Secretary-General on modalities leading to the placement of monitors in such locations as would facilitate improved information flow and assessment and would help the independent verification of reports on the situation of human rights in the Sudan, the Special Rapporteur held consultations with the United Nations High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights concerning the placement of monitors for the envisaged monitoring operation.

5. Between 30 July and 15 August 1995 the Special Rapporteur carried out a mission to Kenya, Uganda and Eritrea. One of the objectives of the mission was to meet government officials, representatives of United Nations agencies working on relief operations in southern Sudan, representatives of international humanitarian and human rights organizations active in the field, Sudanese human rights and humanitarian organizations and individuals who provided him with information in the form of reports and testimonies on the situation of human rights in the Sudan in 1995. Another objective of the mission was to assess possibilities regarding the deployment of human rights monitors.

6. Based upon his consultations with the High Commissioner for Human Rights and the Assistant Secretary-General and experience gained from missions to the region, the Special Rapporteur has submitted a plan for the implementation of a monitoring operation calling for the placement of monitors in three locations: Lokichokio, Kenya; Pakelle, Uganda; and, Asmara, Eritrea. It is hoped that the monitors, who will work under the auspices of the Office of the High Commissioner for Human Rights, will be sent to the field during the first few months of 1996.

7. With regard to the legal framework within which the Special Rapporteur has carried out his mandate, considered information concerning allegations of human rights violations and assessed the compliance of the Sudan with its international obligations, the Special Rapporteur has identified obligations arising under both international human rights law and international humanitarian law. These obligations have been described by the Special Rapporteur in his previous reports to the Commission on Human Rights.

I. REPORTED HUMAN RIGHTS VIOLATIONS

A. Violations by the Government of the Sudan

1. Extrajudicial killings, including deliberate bombardments of civilian targets, and summary executions

8. Since the outbreak of the civil war in southern Sudan in 1983, it is estimated that at least 1.2 million individuals have lost their lives. During the past five years thousands of civilians are reported to have been killed in deliberate and indiscriminate attacks, including aerial bombardments on civilian targets by government forces. In the Nuba Mountains, a large number of civilians, including women and children, Muslims and Christians alike, have been killed in these attacks or summarily executed. Others are reported to have lost their lives as a result of brutal torture in secret detention centres run by the security organs or in military barracks, and tens of army officers have been summarily executed after secret trials by special courts. Previous reports of the Special Rapporteur contain details regarding these facts.

9. During his latest fact-finding mission, the Special Rapporteur received testimonies confirming previous reports indicating that in the war in southern Sudan prisoners of war are the exception. Those captured have been and are being tortured and summarily executed. This practice is particularly prevalent in the case of local chiefs, soldiers belonging to different rebel factions and those civilians who are suspected of actively collaborating with the Government of the Sudan or one of the rival factions. If a prisoner is captured and he refuses to change sides, he is cruelly tortured and executed.

10. In June 1994, government troops reportedly entered Loka and took reprisals against the civilian population. A man who left the area on 24 July 1995 told the Special Rapporteur that on 18 June 1994 a group of 37 government soldiers deported 73 families from the Jebel Loka area. According to the witness, 24 men were separated and taken to Loka barracks where they were interrogated immediately upon arrival. During interrogation those men who denied that they were actively involved with the Sudan People's Liberation Army (SPLA) as soldiers or collaborators were beaten. Seven who refused to cooperate with the Government were summarily executed: Chief James Wani (age not mentioned), David Lupai (58 years), Samuel Wani (15 years), Moses Lupai (22 years), Samson Juma (28 years), Deng Ayol (age not mentioned) and Moro Juma (26 years). The witness stated that 15 men agreed to join the government troops and 2 others were taken to Juba. Several other sources reported similar incidents. Therefore, the Special Rapporteur concludes that killings and summary executions continued to take place in southern Sudan in 1995. Instances of extrajudicial killings and summary executions by parties to the conflict other than the Government are described in the section of the present report on violations and abuses committed by those parties (see paras. 71-77 below).

11. Indiscriminate and deliberate aerial bombardments by the Government of Sudan (GOS) forces on civilian targets continued in 1995. On 21 June 1995, an Antonov aircraft operated by government forces dropped 22 bombs on Regifi and surrounding villages in the Nuba Mountains starting at 9 a.m. Six civilians

were killed and 12 others were seriously injured. Eyewitnesses reported that the bombardment was concentrated on a densely inhabited area, indicating an intent on the part of the Government to terrorize the civilian population and to force people to flee the area. The airstrip at Regifi was also targeted. In September bombardments were also reported on Chukudum (bombed twice on 10 September) and on targets near Nimule and Mughale, seriously disrupting operations of Operation Lifeline Sudan (OLS).

12. Indiscriminate and deliberate aerial bombardments by GOS air forces on civilian targets in the south intensified as of mid-September 1995. OLS reported on 26 September 1995 that one women was killed and one child injured when a bomb was dropped in Yei county. In a bombardment on 22 September on Ombasi (near Lasu, Yei county), at 11 a.m. local time, 15 people were killed and many others injured. Eleven injured were evacuated to Maridi. Bombardments also took place on 16 September (Mundri), 17 September (Mundri, Luai and Bari), 21 September (Paluer), 23 September (Badiet and Mundri). On Saturday, 4 November two MIG bombing raids were reported by OLS staff - one at the Lei/Aimed junction, and the other at the Mundri/Gull junction. The following day two bombs were dropped on Ambo. On 6 November, six to eight bombs were dropped on Catawba camp, with no casualties reported. Reports say two bombs were dropped in Chukudum during the afternoon of 7 November. One bomb landed some 200 metres from the compound of the Adventist Relief Agency. Ambo was bombed between the airstrip and the village centre on 5 November. Two people were reported dead and five wounded, three seriously. Intensified bombardments were reported between 24 and 26 December 1995 in Werkok, Panyagor and surrounding villages.

13. In the course of student demonstrations held at Khartoum University between 11 and 14 September 1995, at least five persons were reported to have been killed by security forces who indiscriminately opened fire on the demonstrators. A joint urgent appeal concerning inter alia Abdal Rahman al-Amin and Fyz Muhammad Ali, dated 18 September 1995, was transmitted to the Minister for Foreign Affairs of the Sudan by the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights in the Sudan. At 10 a.m. on 13 September, gunmen in plain clothes were reported to have shot and killed student Rahmtalla Abdel Rahman after entering the Faculty of Engineering at Khartoum University.

2. Enforced or involuntary disappearances

14. As mentioned in the section of the present report on arbitrary arrest and detention and due process of law (paras. 21-29), victims are held incommunicado detention for months at a time. In cases where the relatives contact the competent organs to inquire about the arrest or whereabouts of a missing person, the authorities refuse to release any information. Accordingly, the missing person is reported to have disappeared. It is widely believed, however, that thousands of persons have disappeared in the past few years as a result of this practice of the Government. The vast majority of these cases remain unknown to the public and consequently are undocumented. This is particularly true in the case of unaccompanied minors who are rounded up by the police on the streets of major towns in northern Sudan, as described

in detail in the section of the present report on the rights of the child (paras. 46-62). A typical case that displays elements of involuntary disappearance was reported by a witness from whom the Special Rapporteur received testimony in August 1995. A southern boy, M.B.C. (aged 14), was rounded up by the police on 19 February 1995 in the market of Suk el Arab in Khartoum. The father, B.C., learned of this from other children who witnessed the abduction. When the father contacted the authorities they denied any involvement, but registered the name of the boy. A few days later the father learned from a boy called Akec (aged 10), who had managed to escape, that his son had been taken to the khalwa (Koranic school) of Fatihab, Omdurman. Akec had managed to escape from this khalwa. When the father went there, he learned that a group of children, including his son, had been removed to an unknown place. As of 17 March 1995, when the witness reporting the case to the Special Rapporteur had left Khartoum, the whereabouts of M.B.C. were not known, and it was feared that he would never be reunited with his family.

15. In August 1995, the Chairman of the Working Group on Enforced or Involuntary Disappearances took up the case of Isaac Ghanian, the pastor of the churches of Dere and Abri in southern Kordofan. He reportedly was taken into captivity by GOS armed forces on 1 March 1995. The troops, based at Dellami, reportedly attacked the village of Dere and abducted 300 persons, including the pastor. His fate remains unknown. The Working Group decided to transmit with this allegation a summary of reports that it had received concerning developments in the Sudan having an influence on the phenomenon of disappearances, namely the case of persons held in incommunicado detention and the abduction of children and women from southern Sudan and the streets of northern towns.

16. In a letter dated 21 November 1995 addressed to the Centre for Human Rights, the Permanent Mission of the Republic of the Sudan to the Office of the United Nations in Geneva stated: "The competent Sudanese authorities have indicated that they have no knowledge of the above-mentioned priest. They believe that this name is fictitious." It is to be noted again that the letter of the Chairman of the Working Group mentioned not only the name of the person in the case but also several further details, including the circumstances in which he reportedly disappeared.

3. Torture and other cruel, inhuman or degrading treatment

17. During his fact-finding mission, the Special Rapporteur received further testimonies from victims of torture. S.T. (aged 42), from Kassala, provided to the Special Rapporteur both a verbal testimony and a handwritten declaration concerning his case. The following is an excerpt from his written declaration:

> "I was arrested on 10 January 1995 and released in March 1995. That was after a long period of torture. The torture was applied to many parts of my body, including the head, the eyes and the genitals. During [my] detention my wife was compromised by members of the Sudanese security, then she became pregnant. I was continuously moved [during detention] from one 'ghost house' [a secret detention centre] to another while blindfolded. I was able to recognize one of the detention centres which is near the General Command of the National Armed Forces in Khartoum.

> This centre is supervised by foreign elements trained in the various methods of torture for political reasons. They have used many instruments, such as electric chairs. Many Sudanese political detainees have died inside these detention centres without the knowledge of their relatives. Also my son was arrested, as were other sons of political detainees opposing the regime."

Puncture wounds, which the victim explained were caused by nails being driven into his arms and the soles of his feet, were clearly visible to the Special Rapporteur. Numerous burn marks were also seen on his torso. The victim's eyes were inflamed and blood-shot from gas that had been sprayed into his eyes during his detention.

18. Several student demonstrations took place in 1995 in Khartoum and other towns in northern Sudan, the latest ones occurring in September. Among the numerous allegations are reports that one of the methods used by the police and security forces while breaking up the demonstrations was the intentional breaking of the limbs of the participants arrested. As pointed out in the joint urgent appeal of 18 September (see para. 13 above), there were allegations that the security forces had been instructed to break the arms of demonstrators. The appeal mentions Mutaz Abdel Mon'in Khalifa, who, it is reported, had both arms broken by the security agents who arrested him. He was subsequently released.

19. The excessive, indiscriminate and brutal use of force on other similar occasions was also reported. On 28 February 1995, for instance, 28 female relatives of the officers who were summarily executed in April 1990 marched in the streets of Khartoum shouting the names of their executed relatives and handing out leaflets with poems and photographs of the officers. It was reported that they were met by security and police forces at the University. Security forces severely beat the women and children until their clothes became soaked with blood. Several women were arrested and they were reportedly beaten, threatened with rape and forced to stand on the roof of the security headquarters building for an entire day in the oppressive heat. In the evening they were sent home, but not before being ordered to report back to security headquarters the next day. Since 1991 these women and their children have been constantly harassed, even on occasions when they commemorated the execution of their husbands, brothers and fathers in private. Protests by international human rights organizations, as well as the concerns expressed by the Special Rapporteur in regard to this case to the competent authorities, including the Minister of Justice and Attorney-General, during his visits to the Sudan in 1993, have been ignored completely by the Government of the Sudan.

20. The Special Rapporteur on the question of torture, in two letters dated 12 and 18 October 1995 addressed to the Minister for Foreign Affairs, raised the cases of Salah Samareit (arrested reportedly on or around 26 September 1995), Saudi Darraj, Ali al-Mahi al-Sakhi, Ahmad Osman, Atif Haroun, Kamal Abd al-Karim Mirghani, Yakya Mukwar and Awad Gibreel (all arrested reportedly on or shortly after 12 September 1995). The Special Rapporteur requested the Minister for Foreign Affairs to seek clarification of

the circumstances with a view to ensuring that their right to physical and mental integrity were protected. No response had been received as of the date on which the present report was finalized.

4. Arbitrary arrest and detention, and due process of law

21. During 1995, hundreds of political opponents or people merely suspected of being potential opponents of the regime were arrested and held in detention for days, weeks or even months without warrant or any concrete charges. In most cases, relatives are not informed about the whereabouts of those detained and, therefore, there is a fear that the persons detained have been the victims of enforced or involuntarily disappearance.

22. Former Prime Minister Sadiq al-Mahdi, an imam of the Ansar order and the leader of the Umma party, was arrested on 16 May 1995 on charges of "involvement in subversive activities". The charges were reportedly never the subject of a formal investigation and he was held in detention under harsh conditions until the end of August. During this period the Government never officially informed his relatives where he was being detained. A few days after the arrest, both the leadership of the Umma party and the Ansar order issued statements of protest to the Head of State. They noted inter alia:

> "Since the beginning of this regime the Ansar have been subjected to continuous harassment and intimidation which started with intimidating their leadership, confiscating their properties and denying them their civil rights and their freedom of expression. The Ansar imams and preachers have been subjected to harassment and imprisonment. The Grand Mahdi's Mosque which includes the Mahdi's tomb and the Ansar headquarters has been confiscated. The Ansar tolerated all these injustices with great restraint and patience to save the country bloodshed and armed conflicts, following the directives of their leadership which advocate wisdom and civil struggle. On 16 May 1995, the authorities arrested Sayed al-Sadiq al-Mahdi, the leader of the Ansar movement, although he consistently continued to preach non-violence and warn against the danger of allowing the country to slip into civil war as a result of government repression that pushes the opposition to resort to violent means. Al-Sadiq al-Mahdi preaches justice for all, thus adhering to a cardinal Islamic principle that dictates upon the Muslim to advocate for justice and deny evil. 'He who is not concerned about the plight of Muslims is not a Muslim', as the prophet says."

23. Following this protest, more than 200 prominent figures of the party and religious leaders were arrested in Khartoum and in the provinces. It was reported that most of the detainees were subjected to ill-treatment in detention.

24. A similar wave of arrests was reported in Port Sudan in May 1995 when 15 workers were arrested. A large number of persons, including tens of students, were also arrested following student demonstrations in Khartoum in August and September. Three well-known lawyers were also arrested: Mustafa Abdel Gadir (aged 60), former secretary-general of the banned Sudan Bar Association, Ali El-Sayed (aged 50), advocate, and Bushra Abdel Karim, advocate and former secretary-general of the banned Sudanese Youth Union.

25. The arbitrary character of detention and the lack of due process of law reported during 1995 are demonstrated by other practices of the Government. People receive summonses to report daily, as early as 6 a.m., to security headquarters, where they are obliged to stay until the evening. In a significant number of cases, this practice reportedly lasted for several weeks. Formal investigations are not usually carried out. As reported to the Special Rapporteur, the purpose of this practice appears to be intimidation and harassment by preventing the individuals from accomplishing their normal activities (sometimes with serious consequences for themselves and their families).

26. Although the Government closed one of the most notorious and well-known secret detention centres in Khartoum (located near the City Bank), a measure which is to be welcomed, the Special Rapporteur received, during his fact-finding mission, testimonies indicating that similar, lesser known detention centres continue to be used by the security organs.

27. On 23 August 1995, the Sudanese National Security Council announced the release of all political detainees within 72 hours, another measure which is to be welcomed. The Special Rapporteur, however, received reports in September 1995 that not all detainees had been released, despite the publicly announced decision to that effect. For instance, retired Brigadier Mohammed Ahmed Al-Rayah, whose case was addressed in detail in previous reports (A/48/601, annex, para. 47, and E/CN.4/1994/48, para. 44), reportedly was not released because he refused to retract his complaint from 1993 accusing security officers by name of torturing him during investigations. Moreover, on 5 September 1995 it was reported that 13 people were still being detained and, as mentioned, a large number of new arrests reportedly have taken place in the meantime.

28. In December 1995, the Special Rapporteur received written confirmation that retired Brigadier Al-Rayah remained in detention.

29. In a letter dated 12 December 1995 addressed to the Special Rapporteur on the question of torture, the Permanent Mission of the Republic of the Sudan to the United Nations transmitted a list of 58 names of political detainees who have been freed recently in the Sudan. Except for the names, the list does not contain any details which would allow the identification of the individuals in question or the date and the circumstances of their release, whether they had been tried or only held in preventive detention, etc. A report received by the Special Rapporteur on 18 December 1995 indicated that at least 28 persons were under detention, many of whom were believed to be being subjected to ill-treatment and torture. This report included the names of nine university students and six university graduates arrested in September 1995 in al-Thawra Quarter in Omdurman. Mohammad Babikir Mukhtar, the secretary-general of the banned Employees Union, Ali Khalifa, the secretary-general of the banned Professionals and Technicians Union, Muhammad Ibrahim Kabbaj, a businessman, and Saudi Darraj, a trade unionist, were also mentioned as being among those reportedly held in detention during December 1995.

5. Provisions of penal legislation inconsistent with international norms

30. In its resolutions 1994/79 of 9 March 1994 and 1995/77 the Commission on Human Rights called upon the Government of the Sudan to comply with international human rights instruments and to bring its national legislation, which would include the 1991 Criminal Act and legislation regarding the rights of the child and the civil status of women, into accordance with the instruments to which the Sudan is a party. The Commission also called upon the Government to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in the relevant instruments.

31. The Special Rapporteur did not receive any communication from the Government concerning any initiative it has taken to bring its legislation into accordance with the international human rights instruments to which it is a party. The inconsistencies that exist between its legislation and international standards were discussed in detail in the Special Rapporteur's previous reports, with the corresponding conclusions and recommendations, which were approved and reflected by the resolutions of the Commission on Human Rights of 1994 and 1995.

32. It is worth noting that during the past two years the Government of the Sudan in its extensive written responses to the Special Rapporteur's reports did not put forward a single argument supporting its position that the provisions of its State legislation which the Special Rapporteur has analysed are consistent with applicable international human rights norms and standards.

6. Slavery, servitude, the slave trade, forced labour and similar institutions and practices

33. Following the issuing of the 1994 report on the situation of human rights in the Sudan (E/CN.4/1994/48 of 1 February 1994), the Commission on Human Rights called repeatedly upon the Government of the Sudan: (a) to investigate without delay the cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices brought to its attention; (b) to bring to justice the perpetrators in accordance with articles 161 (abduction), 162 (kidnapping), 163 (forced labour), 164 (unlawful confinement) and 165 (unlawful detention) of the 1991 Criminal Act; and (c) to comply fully with the relevant provisions of the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, to which it is a signatory, and to take all the appropriate measures to put an end to these practices immediately.

34. The Special Rapporteur expresses not only his regret at the total lack of interest shown by the competent Sudanese authorities with regard to the investigation of the cases brought to their attention over the past years, but also his concern that since February 1994 there has been an alarming increase in the number of reports and information emanating from a wide variety of sources on cases of slavery, servitude, the slave trade and forced labour.

Cases of abduction and sale of and traffic in children and women are treated in the sections of the present report on the rights of the child (paras. 46-62) and the rights of women (paras. 63-66), for reasons explained there.

35. Although the Bahr al Ghazal and the Nuba Mountains area are the most affected by these phenomena, reports were received from all over southern Sudan of the abduction of men, women and children by the Government of the Sudan army, the Popular Defence Forces (PDF), government armed local militias and groups of mujahidin fighting the war in southern Sudan on the Government's side. The use of the word "phenomena" in this respect is justified, since the abduction of southern civilians, men, women and children, whether Muslims, Christians or of traditional African beliefs, regardless of their social status or ethnic belonging, has become a way of conducting the war. As was mentioned in a previous report in relation to the situation in the Nuba Mountains, "PDF and army units are given orders to collect civilians - mainly women, children and elderly men - and to take them to the Government of the Sudan-controlled peace villages" after fighting has taken place and SPLA units have been forced to leave a particular area or village (A/48/601, annex, para. 88). Similar cases were described in the 1994 interim report (A/49/539, para. 57).

36. During his fact-finding mission, the Special Rapporteur received testimonies on regular abductions that had taken place in Gogrial during joint incursions by the army, PDF and armed militias. For instance, S.A.D. (aged 41), a man who had left Mayen Abun on 25 July 1995, told the Special Rapporteur about a number of men from the Mayen Abun area who had been captured by government troops between April 1994 and May 1995. Some of them had managed to escape and had shared their experience with the witness. A.B.P. (aged 34) was captured in January 1995 and managed to escape on the way to Abiey. M.A.D. (aged 22), captured on the same occasion, reportedly escaped while the group was crossing the Bahr al Arab river. M.A.A. (aged 33) and A.D.A. (aged 40) were captured in April and May 1994 and managed to escape from El Muglad. R.M. (aged 45) was captured in December 1994 and escaped in April 1995, in poor health. D.M.M. (aged 32) was captured in May 1995 and escaped in July 1995 from a place between El Muglad and Babanusa, where, according to the witness, there is a guarded compound surrounded by a fence, reportedly built for the temporary detention of those captured during incursions into Gogrial and other areas in Bahr al Ghazal. At the time of the interview, the witness believed that the escaped men were still in Gogrial. He mentioned the names of three other men, Mawien Deng Duot, Atem Luat Akok and Akuei Riak Ajuot, who died following their capture while being transported northward. The witness added that he had learned from the persons indicated above that some of those captured had been transported northward via Babanusa, El Nuhud and El Obeid by camel caravans. He indicated that Kababish was one of the destinations. Some women "are used as wives by the soldiers", the witness said, and mentioned the name of A.M.A. (aged 21), who had managed to escape from captivity and had returned to Mayen Abun pregnant. At the time of the interview, the witness believed the woman was still in that area. The existence of the detention place between El Muglad and Babanusa was corroborated by the testimony of A.M. (aged 39), who left Aweil on 29 April 1994.

37. During April and May 1995, it was reported, a train proceeding from Babanusa to Wau was used to transport civilians abducted during raids in the area carried out by government forces. A.A. (aged 42), who left Gogrial in July 1995, gave the following testimony to the Special Rapporteur. In mid-May, PDF troops left the train in Aweil and raided Gogrial and the surrounding areas. Some of the locations targeted were Kuajok, Karic and Manyok. PDF troops took thousands of cattle and abducted some 500 women and 150 children (between 5 and 12 years of age). Men were taken especially from Manyok. According to the testimony received:

> "Women and children were taken to Aweil. They had to walk first to Udhum, where they were loaded on the train. This happens only when the capture is big, because then relatives who work in Aweil could recognize them. Therefore, they have to bypass Aweil by foot. When there are only a few children, they are hidden on the train. Once in Babanusa, children are taken by Dawa Islamiyah, an Islamic non-governmental organization active in the field of education, while the Government claims that they are displaced children. Big boys are distributed as workers in Al-Dhein, Abu Gabra, Sibdu, Kareiga, Meiram and El Muglad. They work in the fields or as servants."

The witness added that in February 1995 he had met a Dinka man (aged 35) from Gogrial who had escaped from Kareiga, where he had been working for two years. He had been caught in Akon, where he was a cultivator. This testimony is corroborated by previous findings of the Special Rapporteur, as well as by reports and information emanating from a large number of independent sources which have conducted field investigations. This information shows a consistent pattern of abduction of women and children from Bahr al Ghazal by the government army, PDF troops and government armed militias, as well as by mujahidin accompanying them, during incursions and raids conducted from train convoys guarded by the military proceeding to Wau. In several instances, United Nations relief trains distributing food in the area during stopovers have been followed a few weeks later by military convoys; people who approach the militarily-guarded trains anticipating the distribution of food have become easy victims for the captors.

38. Following an attack on 21 February 1995 by the government army on the village of Toror, Umgurban county, in the Nuba Mountains, it was reported that at least 250 civilians were abducted by soldiers. Relatives believe that those abducted were taken to one of the "peace villages" in Kordofan: Um Dorein, Agab or Um Sirdiba.

39. All the reports and information received indicate the direct and general involvement of the government army, PDF, government armed militias and mujahidin groups, backed by the Government of the Sudan and fighting beside the army and the paramilitary units, in the abduction and deportation of civilians from the conflict zones to northern Sudan. The places where those captured are temporarily detained before reaching their final destinations are also operated by army, PDF and/or mujahidin units. In the light of this information, the Special Rapporteur concludes that the total passivity of the

Government after having received information for years regarding this situation can only be interpreted as tacit political approval and support of the institution of slavery and the slave trade. Repeated reports have indicated the involvement of local wealthy civilians, often well known for their close relations with the Government. It should be noted that all these practices have a pronounced racial aspect, as the victims are exclusively southerners and persons belonging to the indigenous tribes of the Nuba Mountains. Among the latter group, even Muslims are enslaved.

40. In the letter addressed to the Centre for Human Rights on 21 November 1995 (quoted in para. 16 above), the Permanent Mission of the Republic of the Sudan stated:

> "The Sudan has denied these unfounded allegations on many occasions in numerous international forums. The confusion has arisen due to the fact that situations that are totally different from slavery have been portrayed as cases of enslavement. These are really cases involving tribal disputes and quarrels concerning pasture land and water resources in some areas in which tribes are intermixed, as a result of which each belligerent tribe captures some members of the other tribe or tribes pending settlement of the dispute in accordance with tribal customs and traditions. This state of affairs occurs in many countries with predominantly tribal societies, especially in Africa."

The Special Rapporteur wishes to make two comments on this statement. First, in most of the cases brought to the attention of the Government of the Sudan, the reported perpetrators belong to the Sudanese army and the Popular Defence Forces (PDF), which are under the control of the Government of the Sudan. Even in the cases involving members of different tribal militias, the slavery occurred within the context of the war and there are the same perpetrators (Arabs) and victims (Nubans and southerners). This indicates a deliberate policy on the part of the Government to ignore or even condone this practice of slavery as a way of fighting the civil war by other means. Second, the same argument was addressed already by the Special Rapporteur in his February 1994 report, in which he stated:

> "The argument that these practices occur on a tribal basis ... does not exonerate the Government from its responsibility of assuring the right to life, security and freedom of its citizens." (E/CN.4/1994/48, para. 65)

7. Freedom of thought, conscience and religion

41. Reports of the destruction of mosques in the Nuba Mountains reached the Special Rapporteur during 1995. The mosques were reportedly desecrated, looted and burnt down, allegedly because of the officially expressed claim that the central Government "knows better Islam" than the indigenous Nubans. It was reported that during 1995 the mosques in the following locations in the Nuba Mountains were desecrated, looted and/or burnt: Kumu, Toror, Um Derdu, Tajura, Kuchama, Kodi and Kauda.

42. Reports continue to be received of enforced Islamization in the government-controlled areas in the conflict zones and among displaced southerners in northern Sudan. Food and relief, including medicines and clothes, are among the means used to force people to convert to the Islamic religion. The displaced persons who reject Islam are refused shelter and relief, inter alia.

43. Alarming reports were received of cases in southern Sudan where those who refused to convert and to send their children to a khalwa, were killed. During his recent mission, the Special Rapporteur received testimonies, including an eyewitness account, of the summary execution of 12 civilians, men, women and children, at Lobonok on 3 May 1995, at noon. At the end of April 1995, following fighting which reportedly had lasted almost three months, government troops entered Lobonok. The local population was forced to convert to Islam, children were dressed in white jellaba and given Arabic names. Although some adults did convert to receive food, the group mentioned above was executed because they refused to convert and to send their children to the khalwa. According to an eyewitness, Victoria Yakisuk (aged 55), Salivar Yugu (aged 45) and Redendo Wani (aged 40) were killed after trying to run away into the bush; and Loku Mario (aged 35), Gumat Mario (aged 18), Yugu Mario (aged 10), Pitia Mario (aged 7), Redendo Tombe (aged 15), Renado Keny (aged 26), Kaku Tombe (aged 55), Kaku Lege (aged 12) and a middle-aged woman whose name the witness could not give, were lined up and shot dead. Kaku Lege was reportedly raped before being killed. The eyewitness claimed that the killings were carried out by a group of 12 soldiers in uniform.

8. Freedom of expression, association and peaceful assembly

44. Freedom of speech and of the press continue to be severely restricted by the Government of the Sudan in 1995. Journalists who are suspected of opposing the regime are harassed, arrested or forced into exile. Both local and foreign journalists must register with the Journalists Committee, linked to the government-appointed National Council for Press and Publication. Unlicensed journalists reportedly face one month in prison and a fine of 500,000 Sudanese pounds. Some journalists must sit for an examination to prove their ability.

45. In August 1995, security organs reportedly raided a number of offices and homes of businessmen equipped with fax machines, confiscating many of them. To use a fax machine, one reportedly needs approval from the Ministry of Commerce, a licence from the Ministry of Telecommunication and clearance from the security forces.

46. Political parties and all non-governmental organizations that are not affiliated with the Government continue to remain banned. The Criminal Code of 1991 declares to be an unlawful assembly a gathering of more than five persons without prior approval by the competent State authorities. The independence of the judiciary continues to be seriously curtailed by government restrictions and interference.

9. The rights of the child

General aspects

47. The Special Rapporteur notes with regret that the introduction to the similar section in his previous report (E/CN.4/1995/58, para. 21) must be cited again:

> "In his previous report to the Commission on Human Rights (E/CN.4/1994/48, paras. 86-101), the Special Rapporteur paid considerable attention to violations and abuses against children in the Sudan. He noted that in the north of the country most of these violations and abuses are taking place with the knowledge of the competent organs of the Government of the Sudan or are even initiated and directed by these organs. In the south, all parties to the conflict are to be held responsible in this respect."

48. After a careful examination of all reports and information received, the Special Rapporteur concludes that in northern Sudan the situation did not improve during the period between January 1995 and the date of completion of the present report. The Special Rapporteur has not received any communication from the Government regarding the questions raised in his previous reports and at the same time the Government did not put forward any explanation or substantial denial in relation to the most serious abuses and violations, namely those committed against children living or working in the street and the camps set up for children belonging to these categories.

49. As will be substantiated below, the Special Rapporteur continues to receive reports of the practice of arbitrarily rounding up children from the streets of the major towns of northern Sudan, including the capital city, and of sending them to special camps where: (a) they are subjected to cruel and inhuman treatment; (b) they are ideologically indoctrinated; (c) non-Muslims are forcibly converted to Islam and have their identity changed by being given Arabic names; and (d) in some cases, they are trained by the military in order to be sent to southern Sudan to fight the war.

50. From the information received from eyewitnesses who had direct experience regarding the practices described in the present report or were involved as persons responsible for carrying out activities in relation to children, the Special Rapporteur concludes that the existence of a centrally coordinated government policy is at the origin of most of the violations and abuses of the rights of the child, as described above and in the previous reports. As one element of this policy, the reluctance of the Government of the Sudan to make the necessary amendments to bring its national legislation into accordance with the provisions of the 1989 Convention on the Rights of the Child must be highlighted. The Special Rapporteur did not receive any communication in this regard and is not aware of any sign indicating future change in the policy of the Government of the Sudan.

51. Although the Sudan was among the first signatories to the Convention on the Rights of the Child, the Government of the Sudan flagrantly violates several provisions of this instrument. Article 3.1 states: "In all actions concerning children, whether undertaken by public or private social welfare

institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be of primary consideration." In addition, provisions of the Convention concerning the principle of non-discrimination (art. 2), the right of the child to an identity (arts. 8 and 30), the prohibition of separation from the family against the will of the child (art. 9.1) and the right to liberty (arts. 37 and 40), as well as provisions that require the State to provide the necessary safeguards to protect the rights of the child (such as arts. 12.2, 19 and 20) are infringed. Articles 35, 38 and 39 of the Convention, regarding the abduction, sale of or traffic in children, and the situation of children in armed conflicts, are completely disregarded by the Government of the Sudan and the agents and organizations acting under its authority, on its behalf or with its active support.

52. Since the overwhelming majority of the victims are children belonging to southern tribes or tribes from the Nuba Mountains and the Ingassema Hills, the racial aspect of the violations cannot be disregarded. The Special Rapporteur believes that the racial dimension of the violations and abuses against children living in northern Sudan, or, in the case of children in southern Sudan, those who are abducted and sold into slavery constitutes a particularly grave and alarming circumstance, which should be of particular concern from a human rights perspective.

53. As far as the situation in southern Sudan is concerned, hundreds of thousands of children continue to live in insecurity in the conflict zones, in danger of being abducted, exposed to lasting psychological trauma, or living in inappropriate conditions.

54. A new agreement on ground rules for cooperation was signed with OLS in July 1995, by John Garang, leader of the Sudanese People's Liberation Movement/Army (SPLM/A) and in August 1995 by Riek Machar leader of the South Sudan Independence Movement/Army (SSIM/A). In the agreement, they declared themselves supportive of the provisions of the Convention on the Rights of the Child. Consequently, under the auspices of the United Nations Children's Fund (UNICEF) and OLS, a series of seminars and training courses focusing on human rights were conducted for southern politicians and relief workers of the relief organizations run by these factions, with special emphasis on the rights of the child as recognized by international instruments. This initiative by UNICEF and OLS is to be welcomed and future programmes are to be encouraged.

Children living or working in the street

55. The practices described in previous reports of arbitrarily rounding up children from the streets of the capital and major towns in northern Sudan and detaining them in special camps usually situated in remote areas (see E/CN.4/1994/48, paras. 89-94, and E/CN.4/1995/58, paras. 26-34) continued to take place during the period under consideration.

56. From the numerous reports received, the following case contains all the elements illustrating the negative aspects of this practice. In September 1994, the federal Government ordered Sinnar State local authorities to collect street children from the towns of the state. The order was issued

by the Ministry of Social Planning in Khartoum and addressed to the Governor of Sinnar state, who transmitted it to the State Minister of Health. The implementation of this order started immediately and between September and December 1994, 130 children between the ages of 7 and 18 years were rounded up in the towns of Sinnar, Sinja, Dindir and Suki. The number of children collected was insufficient to establish a separate camp and, therefore, the authorities decided to transport the children to Soba transitional camp in Khartoum. In the meantime, some of the children managed to escape from Sinja, where the group was gathered temporarily. The fate of those who remained in detention is not known.

57. Prior to this event, beginning in April 1994, the Government of the Sudan exerted pressure on the local government in Sinnar State to create a separate camp within the khalwa run by an Islamic organization in Mabrouka, Dinder province. The aim was to provide military training for some of the boys in the school. It is to be noted that the age of the children in the school at that time was between 5 and 16 years. Local authorities at the level of State ministries refused the request, preferring to keep the management under the control of the traditional leaders who had run the khalwa since its establishment, with the consent of the latter. The latest information on the situation is from February 1995, when the school was still under the authority of the sheikh, who was the manager before that date.

Abduction of children

58. A number of cases of abduction of children from southern Sudan were presented in the section on slavery and similar practices (see paras. 35 and 37 above). In his previous reports, the Special Rapporteur addressed the issue of abduction of children in both sections, as in the present report, because the effects of this practice are twofold. Some of the boys abducted from southern Sudan, as well as those rounded up from the streets of northern towns, are used as servants, while the girls become concubines or wives, mainly of soldiers and PDF members in northern Sudan. Another category of children, especially Dinka boys as young as 11 or 12, reportedly receive military training and are sent by the Government of the Sudan to fight the war in southern Sudan. A further aspect that makes the differentiation necessary is that children in the first category were, in a few cases, retrieved by their relatives and after long negotiations and after compensation had been paid to the captors were reunited with their families, as described in document E/CN.4/1994/48, paragraph 95.

59. In 1994, a camp for boys aged between 6 and 16 years was set up in Damazin province, south of the town of Damazin. In December 1994, approximately 1,000 boys were in that camp, all belonging to the indigenous Ingasema Hills population. The children were brought to the camp by the police because, according to testimony received by the Special Rapporteur from an individual who had visited the camp twice, "they walk naked and are non-believers". Islamic education is being provided under the control of the local State government. The Special Rapporteur was told that collecting children and bringing them into the camp was an ongoing operation; in January 1995, the number of inmates had increased to approximately 4,000.

The status of minors under the Criminal Act of 1991, with special regard to punishments under the law, including the death penalty

60. The Special Rapporteur must reiterate the conclusion reached in his previous reports, that there has been no change in this regard. In accordance with article 27 (2) of the Criminal Act of 1991 it is still possible to pass a death sentence on a minor as young as seven in certain cases prescribed by the same Act.

Sale or traffic of children

61. Again the Special Rapporteur must reiterate that he is not aware of any action taken by the Government of the Sudan to investigate cases brought to its attention or to bring to an end the practice of the sale of and traffic in children. The Government's inactivity and total disregard of the call upon it by the competent United Nations organs during the past two years cannot but lead to the conclusion that the practice of the sale of and traffic in children meets with the tacit approval of the Government of the Sudan.

The right of the child to an identity and an education

62. The practice of forcibly changing the names of children taken to special camps continued unabated in 1995. The same applies to abducted children or those subjected to sale or traffic.

Children in the conflict zones

63. In the letter dated 21 November 1995 (see para. 16 above), the Permanent Mission of the Republic of the Sudan provided an account of 420 words (English translation) on the positive measures taken by the competent authorities in the camps for children regarding their "physical, spiritual, psychological and social rehabilitation within a period not exceeding six months, after which they enter the stage of adult vocational training or continue their academic studies, as appropriate". In the light of this, the Special Rapporteur can only conclude that there is no obstacle to opening up all the camps for children in the north so that members of national and international humanitarian and human rights NGOs and independent observers may visit and inspect the camps.

10. The rights of women

64. The Special Rapporteur did not receive any information in 1995 on amendments aimed at bringing State legislation concerning the legal status of women into accordance with international instruments, particularly the Charter of the United Nations, as analysed in detail in the 1994 report to the Commission on Human Rights (E/CN.4/1994/48, paras. 102-108). Consequently, the Special Rapporteur must reiterate the previous conclusion that differentiation between men and women in matters relating to civil capacity, such as the ability to bear witness of full value, infringes one of the basic principles of the Charter: the principle of equality of men and women.

The Special Rapporteur is not aware of any preparatory act that would indicate that the Sudan is willing to accede to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, as was recommended in his previous reports.

65. The Special Rapporteur received information from sources outside the Government of the Sudan about the release in August 1995 of female detainees who have children. Some of the sources mentioned that the Director-General of Prisons, Major General El Sheikh al Rayah, had issued a report in July 1995 drawing attention to the serious deterioration of prison conditions. It was stated that the report indicated that there were 1,000 sick women in jail and 300 children with their imprisoned mothers and it called for the release of all prisoners with children and those serving sentences shorter than six months. During his 1993 visits to the Sudan the Special Rapporteur had criticized conditions in the women's section of Omdurman prison and the treatment of inmates. He also dedicated a detailed analysis in his previous report to the Commission on Human Rights on the causes of the high number of women detainees in State prisons in northern Sudan and drew attention to the numerous deficiencies in the legal procedures and to abuses and violations of which convicted women had been victims during the previous five years: rape in police custody, malnourishment, enforced conversion to Islam, physical assault and other forms of harassment. While the release of women detainees is to be welcomed, the Special Rapporteur again draws attention to the need to take urgent measures aimed at the elimination of the underlying causes that lead to the detention of women, in particular the criminalization of traditional practices of southerners (namely, the brewing and sale of alcohol) and, in general, at improving the social condition of displaced women.

66. As emphasized in previous reports, one of the circumstances leading to abuses against women is the practically unlimited powers granted to members of the Popular Police Forces and the People's Committees "in the preservation of the moral health of the society". Article 5, chapter I of Constitutional Decree No. 7/1993 concerning private and public life states as follows:

> "Public life comprises functions, responsibilities and endeavours which are performed by the armed, police and security forces in defence of the nation and for the security of society. Public officials and professionals shall be entrusted with its management. Likewise private life has socio-economic functions, entrusted to officials working for society's welfare."

67. With regard to the situation of women in general in the Sudan, the problems highlighted in the previous reports have not been solved. The Special Rapporteur continues to receive reports of the same violations, abuses and harassments described in prior reports. The Special Rapporteur can only reiterate the view that women and children are among the most vulnerable groups targeted by agents acting for and in the name of the Government of the Sudan. Rape continues to be reported as widespread (among the perpetrators being members of all parties to the conflict) and regular reports are received of women being obliged to perform forced labour for military and paramilitary units and groups.

11. Freedom of movement and residence, including the right to leave or return to the country

68. The Special Rapporteur is not aware of any change concerning the arbitrary restrictions reported during the past years on the freedom of movement of persons detained by the security forces (see E/CN.4/1994/48, para. 109; and E/CN.4/1995/58, para. 47). Different types of restrictions on the freedom of movement of political opponents and displaced persons still persist. Members of international non-governmental humanitarian organizations reportedly continue to meet difficulties in travelling throughout the country. The Nuba Mountains or the Ingasema Hill areas are forbidden zones for any independent human rights monitoring or relief activity. The practice of the arbitrary denial of flying clearances to certain locations in southern Sudan continued during 1995.

69. The Special Rapporteur received reports of arbitrary restriction of the freedom of movement of Eritrean refugees in eastern Sudan. Owing to other reported harassments and violations of their human rights, their situation appears to have deteriorated seriously in 1995.

70. A new phenomenon which occurred in northern Sudan at the end of 1994 consists of various forms of restrictions on the freedom of movement, and registration of the population based on households and neighbourhoods to ensure the conscription of as many young men into the army as possible in the shortest period of time, outside the framework of the normal, periodic presentation for military service of certain categories of youth. Two basic methods are reported, both of which lead to a series of abuses. The first method consists of the mandatory issuing of ration cards to each family for certain items. These cards, which are valid for one year, contain extensive data on each family member, including name, age, sex, education, profession and place of birth. Popular Committees are in charge of following up whether the cards are up to date and correctly filled out, which means that members of the Committees can enter any house at any time and investigate whether the situation is in accordance with the information on the card. If they come across a young man, army headquarters is contacted and the person is forcibly conscripted into the military. The Special Rapporteur received testimony on the case of three southern students, J.D.K. (aged 21), M.K. (aged 19) and M.M. (aged 23), who were rounded up from their homes in Khartoum by an army unit following an intervention by members of Popular Committees on 15 and 27 February 1995. Another method is to round up young men from the streets or public transportation vehicles and take them directly to the military training camps without the knowledge of their parents. It is worth mentioning that, according to independent sources, the Transitional National Assembly criticized the conscription programme in April 1995 because it was improperly organized and because too much force had been used during its implementation.

71. The Special Rapporteur received reports of formal restrictions on travel abroad imposed recently on medical doctors who are Sudanese citizens. It was also reported that in July 1995 the Ministry of Foreign Affairs issued a directive regarding the mandatory registration at Sudanese embassies of all Sudanese citizens working or studying abroad. Failure to complete the relevant form is sanctioned by refusal to renew passports or to approve the

renewal of work contracts, which is of concern in the light of the previously reported practice of the Sudanese embassy in Cairo of arbitrarily retaining passports forwarded for the issuance of a visa or renewal of a passport (see, for instance, E/CN.4/1995/58, para. 48).

B. Abuses by parties to the conflict in southern Sudan other than the Government of the Sudan

72. In 1995 periods of relative calm in southern Sudan alternated with incidents that led to killings and the displacement of thousands of civilians owing to interfactional fighting or abuses and atrocities committed by local dissident commanders. While in several areas the need for food decreased with a good harvest, 40 cases of hostage-taking were reported among relief workers, as well as abductions by tribal militias, accompanied by cattle raiding and looting of goods. The Bahr al Ghazal area remained highly insecure during the entire period owing to the presence in the area of armed groups led by dissident commander Kerubino Kwnayan Bol, who from July 1994 regularly raided Gogrial and the surrounding areas, killing civilians, looting, abducting people and terrorizing the population (see also A/49/539, para. 60).

73. The most serious incident took place in Ganyiel region on the night of 30 July 1995, when a large group of men from Akot, approximately half of them wearing uniforms and carrying weapons, some with radio sets and walkie-talkies, attacked at 3 a.m. two villages, Manyal and Guk, situated north-west of Ganyiel. Later the attackers split into three groups and continued the assault on villages east-south-east and south of Ganyiel. According to information provided by local chiefs, 210 people were killed, out of whom 30 were men, 53 were women and 127 were children. Seven children were reported missing; since their bodies were not recovered in the following days, it was believed that they had been abducted. Eyewitnesses reported that some of the victims, mostly women, children and the elderly, were caught while trying to escape and killed with spears and pangas. M.N., a member of the World Food Programme relief committee at Panyajor, lost four of her five children (aged 8-15 years). The youngest child was thrown into the fire after being shot. D.K. witnessed three women with their babies being caught. Two of the women were shot and one was killed with a panga. The babies were all killed with pangas. A total of 1,987 households were reported destroyed and looted and 3,500 cattle were taken.

74. The detailed report of 14 August 1995 by OLS based on field investigation concludes that:

> "The attack on Ganyiel was a systematic, organized and planned intervention in which a large number of armed and equipped soldiers took part and committed atrocities against the local population. There can be little doubt that the soldiers involved belong to SPLA. While there is no evidence to suggest that the attack was formally sanctioned or approved by military commanders either at the most senior level or locally, it is hard to believe that so many men could have become involved without the knowledge of the local commander. None the less, responsibility for the attack clearly lies with SPLA/M and, as such, is a clear violation of the new ground rules. In addition, the attack represents a clear violation of the traditions of the Dinka people which

provide a very strict and humane code of conduct for behaviour during conflict, which includes the protection of women, children, the elderly and unarmed men from attacks."

75. Insecurity persisted in Ganyiel even during November 1995. NGOs were evacuated temporarily on 8 November. On 14 November, a security mission visited the area and reported more than 10 villages burnt. Twenty-three wounded were evacuated to the ICRC hospital in Lopiding, in northern Kenya. Fighting was reported also in the same period in Panliet in Bahr al Ghazal. The area was inaccessible for relief agencies during this period.

76. The Special Rapporteur received testimonies on the extrajudicial killings of civilians accused of cooperation with the Government of the Sudan by SPLA soldiers. For instance, an eyewitness told the Special Rapporteur that on 18 February 1995 in Mangalatore, SPLA soldiers shot dead two young women, Jeska Poni (18 years) and Margret Jokudu (16 years), and two men, Stanely Soro (20 years) and James Kuva (23 years), because "they refused to comply with their orders". On 8 June 1995 in Lanya, SPLA soldiers executed Josten Lupai (39 years) and Charity Nyoka (28 years) based on the accusation that they had collaborated with the Government of the Sudan. Several instances of looting and ill-treatment of civilians by SPLA soldiers were also reported.

77. In the second half of August 1995, interfactional fighting was reported in Yuai area between SSIA and forces led by William Nyon Bany, resulting in the relocation of relief staff from Waat. Insecurity was reported again in Thiek Thou. Fighting took place on 28 August, after it was reported that dissident commander Kerubino Kwanyan Bol and his forces had left Gogrial four days earlier. These reports, among others, once again strengthen the urgent need for a full-time monitoring operation of the situation of human rights in the Sudan.

78. With the escalation of the conflict between the GOS forces and SPLA, the areas in which relief and humanitarian activities have been seriously disturbed have expanded. Relief flights to Labone were cancelled until further notice by the Sudan Relief and Rehabilitation Agency (SRRA), the SPLA relief agency, in November 1995 because of the prevailing insecurity. A security mission to Waat on 12 November found the situation insecure. The population had fled to Langken and Motot with their cattle, reportedly before harvesting. Reports indicate that the crops were subsequently looted. The staff of humanitarian organizations and relief agencies working in the field have also been exposed to serious risks. For instance, in November 1995 OLS reported that "on 7 November, the UNICEF veterinary team in Thiet was requested to transport two wounded men to Thiet from the Git cattle camp, 10 km south-west on the Thiet-Tonj road. The men had been wounded in a shooting which developed from an inter-clan dispute. Despite security assurances from local authorities, the vehicle was ambushed 2 km from Git by 15 heavily armed men. One of the wounded was shot dead in the UNICEF vehicle. The UNICEF staff were harassed but unharmed. They had to travel the remainder of the journey to Thiet without radio contact because the radio wires were damaged by one of the assailants' bullets". Also, OLS noticed that "on 12 November, armed SPLA soldiers reportedly entered UNICEF and NGO compounds in Maridi, western Equatoria. Two watchmen of the compounds were

reportedly beaten, and a UNICEF staff member was threatened and punched". Both incidents were investigated by OLS and local SRRA authorities. On 9 December, an ICRC plane preparing for landing in Waat was shot at and hit by two AK-47 bullets. Owing to the shooting incident, ICRC has been advised by its headquarters not to fly to Makobo, Kaikuny, Walgak, Yuai, Waat or Motot.

C. Restrictions upon the provision of humanitarian assistance in southern Sudan

79. OLS (southern sector) relief activities have been severely hampered by flight restrictions imposed by the Government of Sudan on 22 November 1995 on all United Nations, NGO and ICRC flights into southern Sudan from Khartoum, El Obeid and Lokichokio. Clearance was only given on a daily basis. It is worth mentioning that during November 1995 flights were largely used to resupply basic food and necessities to some 200 United Nations and NGO relief workers dependent on air access. Some staff were evacuated to reduce overall numbers of personnel without closing down operations. Nevertheless, many programmes have been devastated by the lack of supplies, such as fuel for vaccine fridges, fishing equipment for the November/December fishing season, and vitally needed drugs and medical supplies for health centres. The situation of relief personnel themselves has become critical in some areas. Staff in Nabagok, Nyamlell, Ambo and Tambura were reportedly suffering food shortages. Flight applications continued to be on a 48-hour basis, with priority given to the most urgent locations, such as those where staff had begun to run out of essential supplies or had become ill. All flights had to avoid an exclusion zone bordered by Juba, Nimule, Kapoeta and Yei. Owing to the inability of the United Nations and NGO workers to provide desperately needed humanitarian assistance because of these restrictions, there is a high risk that the population of these regions will suffer from severe malnutrition and starvation.

80. On 5 December 1995, OLS (southern sector) welcomed the Government's decision, announced earlier that afternoon, to lift restrictions on relief flights to southern Sudan from the OLS relief base in Lokichokio, northern Kenya. The OLS report mentioned that flight clearance procedures had returned to normal, and clearance had been received for December flights with the exception of flights to Ayod, Boma, Loronyo, Maiwut, Mongolo, Pagak, Pariang and Wanding. Relief flights must avoid an exclusion zone bordered by Juba, Nimule, Kapoeta and Yei. No flights were permitted from Uganda, however.

81. According to the OLS Coordinator and UNICEF Chief of Operations, it will take some time to relieve the effects of the flight restrictions, which began with a nine-day complete ban, followed by limited access on a daily basis. "The limited flights we have had since 6 December have only enabled us to sustain some of the United Nations and NGO relief personnel who were stranded by the ban. We have a huge backlog of about 1,000 metric tonnes of non-food supplies which must be delivered urgently to avoid a further setback to our programmes in southern Sudan."

82. In its resolution 50/197 the General Assembly inter alia again called upon the Government of the Sudan and all parties to permit international agencies, humanitarian organizations and donor Governments to deliver

humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat and United Nations agencies working in the field, in particular Operation Lifeline Sudan, to deliver humanitarian assistance to all persons in need.

83. However, on 9 January 1995, OLS reported:

> "The GOS notified OLS in January that it would not approve access for OLS flights to a series of locations. Access was denied to Maiwut, Boma, Loronyo, Pagak, Ayod, Pariang, Mading, Nyamlell, Akobo, Waat, Yuai, Kaikuny, Mongala and Wanding for an indefinite time, as well as all locations south of the lines Kapoeta, Torit and Juba, Yei and Kaya. As a result of the latter restriction, OLS intervention areas such as Labone, Nimule, Ikotos and Chukudum are currently denied access by air. Most of these locations are situated in eastern Equatoria, which is the scene of heavy fighting between GOS and SPLA troops. The GOS has also prohibited any flights originating from Uganda, and will not accept replacement of aircraft without prior approval."

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

84. Since the renewal of his mandate by the Commission on Human Rights in March 1995, the Special Rapporteur has continuously received information and reports on violations in the Sudan of the whole range of universally recognized human rights. The Special Rapporteur had no access to the Sudan during this period, for reasons never explained adequately by the Government of the Sudan. As mentioned, the Special Rapporteur has received no response to his letter dated 28 July 1995 addressed to the Permanent Mission of the Sudan to the United Nations Office at Geneva requesting permission to visit the Sudan.

85. The Special Rapporteur carried out a fact-finding mission to Kenya, Uganda and Eritrea during the period under review, and at the same time was assessing the possibilities of the placement of human rights monitors in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in the Sudan. During the mission, the Special Rapporteur met with representatives of the Governments of the countries visited and with representatives of United Nations agencies, international non-governmental organizations and Sudanese organizations operating in these countries, as well as with individuals, primarily Sudanese refugees who were victims of human rights violations or who had witnessed such violations and provided testimonies about the current situation of human rights in the Sudan. These testimonies, corroborated by information received from a large variety of reliable, independent sources, are the basis for the descriptions, conclusions and recommendations contained in the present report.

86. After careful study, comparison and verification of all the information received, the Special Rapporteur concludes, as he did in the previous reports submitted to the General Assembly and the Commission on Human Rights, that grave and widespread violations of human rights by government agents, as well

as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slavery, systematic torture and widespread arbitrary arrests of suspected political opponents.

87. With regard to the violations committed in the conflict zones by parties other than the Government of the Sudan, the Special Rapporteur must mention in addition the following: most of the reported gross violations and atrocities, especially killings and abduction of civilians, looting and hostage taking of relief workers, were committed during 1995 by dissident commanders, mainly those who had split from SSIA in previous years. SPLA bears responsibility for the violations and atrocities committed in 1995 by local commanders from its own ranks, although it has not been proved that they committed these actions on orders from the senior leadership; nor is it known whether they have been or will be pardoned by their superiors. As noted in paragraph 53 above, both SPLA leader John Garang and SSIA leader Riek Machar signed an agreement on ground rules with OLS, in July and August 1995, in which both expressed their support for the provisions of the Convention on the Rights of the Child, and the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. The Special Rapporteur welcomes this development and looks forward to receiving reports about the full implementation of this agreement. The Special Rapporteur also urges the two signatories to the document to treat in practice the relevant provisions of the cited international instruments as not only worthy of support, but as unequivocal and unilaterally assumed obligations and to direct their future actions in this spirit. In this respect, both the SPLA and the SSIA senior leadership should take the necessary measures without delay to prevent future violations by investigating the cases brought to their attention and holding the perpetrators responsible, with special regard to the Ganyiel incident described above (para. 72).

88. Women and children continue to be among the most vulnerable groups targeted deliberately by agents acting for and in the name of the Government of the Sudan. In this respect the following must be taken into consideration:

(a) The passivity of the Government of the Sudan regarding the cases of slavery, servitude, slave trade, including the abduction of women and children, traffic in and sale of children, forced labour and similar institutions and practices brought to its attention;

(b) The complete disregard by the Government of the Sudan of the calls upon it by the Commission on Human Rights in its resolution 1995/77 to put to an end these practices, and its failure to hold the perpetrators responsible in conformity with the relevant provisions of the Sudanese Criminal Act of 1991;

(c) The lack of measures to ensure that members of racial, ethnic and religious minorities, especially children and women, are protected from violations, atrocities and abuses of this type;

(d) That the Sudan is a signatory party to the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

(e) That persistent reports and testimonies received by the Special Rapporteur personally, as well as findings based on field investigations in southern Sudan and in the SPLA held areas of the Nuba Mountains by independent human rights organizations during the past three years, converge on the fact that victims of these violations are exclusively persons belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills, and that the perpetrators belong to the armed forces, PDF, local militias armed by the Government of the Sudan and groups of mujahidin fighting together with the army in southern Sudan.

89. The Special Rapporteur cannot but conclude that the abduction of persons, mainly women and children, belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills areas, their subjection to the slave trade, including traffic in and sale of children and women, slavery, servitude, forced labour and similar practices are taking place with the knowledge of the Government of the Sudan. The manifest passivity of the Government of the Sudan in this regard after years of reporting and repeated calls upon it by United Nations organs and international non-governmental organizations cooperating with the United Nations, and its failure to take any measures to protect Sudanese citizens from these practices lead to the conclusion that abductions, slavery and institutions and practices similar to slavery are carried out by persons acting under the authority and with the tacit approval of the Government of the Sudan. The overwhelmingly racial connotation of these phenomena and the fact that the abductions take place mostly in a war affected area are to be considered as particularly aggravating circumstances.

90. The Special Rapporteur wishes to emphasize once again, as he has in all of his previous reports, that, according to the information available to him, almost all aspects of life and all categories and strata of the population are affected by violations of human rights committed by agents of the Government or by abuses against the life, security and freedom of the individual committed by members of parties to the armed conflict in southern Sudan other than the Government of the Sudan.

91. The Special Rapporteur notes with regret that he cannot report any improvement of the situation of human rights in the Sudan between January 1995 and the date of the present report. To the contrary, information from the Nuba Mountains indicates that atrocities against the indigenous population there have intensified, as revealed by recent reports of the abduction of hundreds of Nubans, the desecration of mosques, the continuing destruction of churches and the harassment of local imams and clergymen.

92. The Special Rapporteur dedicated a considerable part of his 1993 interim report to the General Assembly to the description of his own findings resulting from a four-day field mission to the Nuba Mountains area in September 1993 (A/48/601, paras. 62-96). In subsequent reports to the Commission on Human Rights and the General Assembly, the Special Rapporteur regularly referred to the situation of human rights in southern Kordofan and the Nuba Mountains area. The situation was considered alarming in 1993 and reportedly has further deteriorated in the intervening period owing to a wide range of grave human rights violations committed by agents of the Government

of the Sudan or agents acting in its name and to abuses of the rights to life, liberty and security committed by parties to the armed conflict in the area other than the Government of the Sudan.

93. Consistent reports and information on the situation of human rights in the Nuba Mountains area emanating from a wide range of sources continued to reach the Special Rapporteur in 1995. This information, corroborated by testimonies collected by the Special Rapporteur during his fact-finding missions, including the 1995 mission, allows for the following conclusions.

94. As mentioned, the civilian population has suffered from abuses and violations committed by all parties to the conflict since the armed conflict intensified in 1989 (see, for example, A/48/601, para. 74). SPLA troops fighting in the Nuba Mountains are to be held responsible for indiscriminate killings of civilians suspected of cooperation with the Government of the Sudan, including local chiefs, for raids on villages, looting, use of child soldiers and coercion of civilians, mainly women, who are forced to work for them. The situation deteriorated even further with the large-scale GOS military operations of 1992-1993, starting with the great Tulushi offensive, which were accompanied by a strategy of forced relocation of the civilian population. The key villages and towns of the Nuba were taken by the GOS. Some of them were emptied of their civilian population and transformed into garrisons. Smaller villages were razed to the ground and their civilian population, in most cases women and children, was forcibly taken to GOS controlled areas in southern Kordofan.

95. Atrocities and abuses are committed by members of rebel groups in the context of the armed conflict. Most of the violations for which the GOS is to be held responsible should also be considered in the context of the armed conflict. However, human rights violations committed by GOS agents or individuals associated with the GOS reveal two additional important characteristics: (i) over the past years there have been persistent reports and information indicating repetition of the same type of grave violations of human rights; (ii) most of the violations must be considered within the context of a complex government project regarding the Nuba Mountains area.

96. With regard to point (i), the following grave violations of human rights have been systematically revealed by the reports and information the Special Rapporteur has received since taking on the mandate in 1993:

(a) Indiscriminate killings of civilians occurring during army and PDF raids on Nuba villages outside the framework of armed clashes with rebels; indiscriminate killings of civilians after the defeat of rebel forces by GOS forces. Such acts were regularly accompanied by the burning of houses (tukuls), churches and mosques and looting, for example of cattle.

(b) Extrajudicial killings of civilians, mainly educated Nuba suspected of cooperation with the SPLA (routinely referred to as "fifth columnists") or those who are simply considered as potentially unloyal to the GOS; summary executions carried out in a significant number of cases after trials by special courts; involuntary disappearances, arbitrary arrests and lack of due process of law, as described in previous reports.

(c) Torture at the hands of armed and security forces, as well as inhuman and degrading treatment of detainees, has been a routine practice over the past few years.

(d) Mass deportations of civilians. The most serious case reported was the deportation of at least 30,000 civilians from camps around Kadugli during the summer of 1992. Hundreds were truckloaded daily and transported northward to camps in northern Kordofan. As indicated in the 1993 interim report, the army and the PDF had been ordered to take women and children to GOS controlled areas after taking over rebel held locations (A/48/601, paras. 88 and 94). This activity was and is still being carried out on a regular basis.

(e) Apart from such deportations and removal of civilians, the abduction of women and children for the purpose of enslavement from locations into which GOS agents or civilians armed by the GOS make incursions, outside the framework of armed conflict, is also routinely practised. Widespread abuse of women, including the rape of young girls, by soldiers and members of the PDF, was also regularly reported.

(f) Several reports indicated a practice of separating children from their families. These children are then placed in special camps where religious education and military training are provided by members of organizations close to the GOS or officers of the armed and paramilitary forces. Military training involving children even younger than 10 years of age was witnessed by the Special Rapporteur himself during his visits to Dilling and Kadugli in September 1993.

(g) Although Muslims, Christians and people with traditional African beliefs are equally exposed to the violations and abuses described above in the context of the armed conflict, severe religious persecution of Christians in the GOS controlled major towns, especially Kadugli and Dilling, which have traditionally had large Christian communities, was also reported. Cases were also substantiated of enforced Islamization, especially by coercion exercised by denying relief to those displaced or forced to live in peace villages set up by the GOS.

97. With respect to point (ii) referred to in paragraph 94, without taking into consideration the political aspects of the GOS sponsored Nuba project, which are outside the scope of the mandate of the Special Rapporteur, the project contains a series of elements that have created a situation that encourages and condones widespread violations of human rights in the Nuba Mountains.

(a) A fatwa issued in April 1992 and publicly supported at the highest government level explicitly sets forth the status of all those who oppose the GOS:

> "The rebels in south Kordofan and southern Sudan started their rebellion against the State and declared war against the Muslims. Their main aims are: killing the Muslims, desecrating mosques, burning and defiling the Koran, and raping Muslim women. In so doing, they are encouraged by the enemies of Islam and Muslims: these foes are the Zionists, the Christians and the arrogant people who provide them with provisions

and arms. Therefore, an insurgent who was previously a Muslim is now an apostate; and a non-Muslim is a non-believer standing as a bulwark against the spread of Islam, and Islam has granted the freedom of killing both of them." (See also E/CN.4/48/1994, para. 78.)

(b) Several GOS coordinated programmes were initiated in the Nuba Mountains area. One of these is the peace village project, which aims at relocating people to GOS controlled places from those areas in the Nuba which are difficult to control. (See, for example, A/48/601, paras. 72 and 87.) The conditions in the peace villages and the violations and abuses taking place there have been described in detail by the Special Rapporteur in previous reports.

(c) Another measure taken at the federal level was the creation in November 1989 of the PDF. In the Nuba Mountains this, in effect, meant that all civilians loyal to the GOS were provided with guns, for self-defence, as was explained to the Special Rapporteur during his mission in 1993 (A/48/601/1993, para. 89). The result has been that for years in large areas the rule of the gun has been prevalent, exposing non-armed civilians to the arbitrariness of individuals who possess weapons.

(d) The lack of international humanitarian activities in the areas under SPLA control after 1989 and severe restrictions of such activities in the GOS controlled territories have been part of the consistent policy of the GOS, leading to the de facto isolation of the Nuba Mountains from international humanitarian activities and official observers.

98. The effects of these violations appear to be irreversible. The suffering of tens of thousands of men, women and children, Muslims and Christians, members of tribes holding traditional African beliefs, farmers and intellectuals, clergymen and merchants, an unknown number of whom were deliberately killed, and the further tens of thousands displaced or forced to seek refuge outside Sudan has been described in previous reports. This forced displacement has resulted in the uprooting of most of the indigenous Nuba tribes and the subsequent loss of the ethnic, linguistic, religious and cultural identity of those who have survived despite the circumstances, a survival accompanied in many individual cases by lasting physical and psychological trauma.

99. It is difficult to estimate the actual proportions of the civilian disaster after the fighting intensified in the autumn of 1989. SPLA sources put the number of civilians in the areas under its control at approximately 200,000 people, while GOS sources generally have provided the Special Rapporteur with the figure of 50-60,000 (1992-1993 figures). Independent sources indicate that in the early 1980s the total population of the Nuba exceeded 1 million. (The most quoted estimate is 1.3 million plus migrants.) In 1993, according to official figures, the number of Nubans in GOS run peace villages was fluctuating between 100,000 and 167,000 (see A/48/601, para. 72). The latest estimates have indicated the figure of 94,927 displaced in the transitional zone under GOS control "just north of southern Sudan who are in need of food assistance, as compared with 350,000 in 1994" (Administrative Committee on Coordination Sub-Committee on Nutrition, Report on the nutrition situation of refugee and displaced

populations (ACC/SCN), Geneva, 12 December 1995, p. 17). Thousands are scattered all over the Sudan in camps for the displaced, from northern Kordofan to Khartoum and up to Port Sudan. The Special Rapporteur has met Nubans in refugee camps in Kenya and Uganda. Nuban refugees can also be met in Egypt and even in the United Kingdom. However, only the GOS is in a position at this stage to give a full account to the international community of what has happened, what is currently going on in the Nuba area and what the prospects are for the indigenous Nuba peoples.

100. The Special Rapporteur notes that no aerial bombardments took place in southern Sudan between the end of May and mid-August 1995. This was not the case in the Nuba Mountains where, as mentioned in paragraph 11 above, on 21 June 1995, 22 bombs were dropped on the village of Regifi and its surroundings. As mentioned, according to the latest reports, the indiscriminate and deliberate aerial bombardments on civilian targets (Nimule, Mughale, Chukudum) began again in September 1995.

101. Regarding the humanitarian situation in southern Sudan however, some important positive developments took place in 1995. During a four-month cease-fire from 28 March 1995 a guinea-worm vaccination campaign was carried out in large areas of southern Sudan, although SPLM/A and SSIM/A sources complained to the Special Rapporteur that access was denied to a number of locations under government control. Since March 1995, OLS had been denied access by the Government to many locations, including villages situated in guinea-worm endemic areas, such as Kongot and Boma in Eastern Equatoria. In February 1995, OLS had access to 96 locations in southern Sudan, compared with 90 in May.

102. As a further positive development, the family reunification process which started in southern Sudan with the assistance of UNICEF should also be mentioned, as well as the series of training courses and seminars held with UNICEF/OLS assistance. For example, Dr. Magna Raundalen led a seminar on counselling techniques for teachers working with traumatized children at Natinga on 17 and 18 August. The seminar was the first of its kind in Natinga, the home of 1,700 unaccompanied minors. The following week Dr. Raundalen conducted follow-up seminars at Leer for teachers with whom he had worked two years previously.

103. Taking into consideration all the aspects of the situation as described, the Special Rapporteur states as a general conclusion that the seriousness of the situation of human rights in the Sudan should be kept under continuous and intensified monitoring and consideration by the competent United Nations organs.

B. Recommendations

104. In the light of the above conclusions, the Special Rapporteur recommends that:

(a) The Government of the Sudan comply with its human rights obligations under international law and take steps to give effect to the recommendations made by the General Assembly and the Commission on Human Rights in resolutions on the situation of human rights in the Sudan.

In this respect, the Special Rapporteur recalls Commission resolutions 1994/79 and 1995/77, in which, inter alia, it called upon the Government to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in those instruments;

(b) The Government of the Sudan cease immediately the deliberate and indiscriminate aerial bombardments of civilian targets;

(c) The Government of the Sudan release all political detainees and prisoners, cease all acts of torture and cruel, inhuman and degrading punishment and close down all secret detention centres, ensure that all accused persons are granted due process of law and lawyers and family members are allowed to visit them, ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accede to the Convention on the Elimination of All Forms of Discrimination against Women, and sign the Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol II Additional to the Geneva Conventions of 1949;

(d) The Government of the Sudan ensure that its security forces, army, police forces, PDF and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set forth in international law, and that those responsible for violations be brought to justice. In this connection, the Special Rapporteur calls for a thorough investigation of all reported cases of violations, in particular those of which women and children are victims, the investigation by an independent judicial commission of inquiry of the killings of Sudanese employees of foreign organizations, the bringing to justice of those responsible for the killings and the provision of just compensation to the families of victims;

(e) The Government of the Sudan stop immediately the rounding up of children from the streets in major towns under its control, release all children from special camps or any other places where they are being held against their will, and make all efforts necessary to reunite them with their families and to ensure proper and decent living conditions for orphans. The Special Rapporteur wishes to recall in this regard paragraph 10 of Commission on Human Rights resolution 1995/77, in which the Commission urged the Government of the Sudan to terminate policies or activities that support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or that subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment. The Government of the Sudan should also revise its general policy concerning children living or working in the street, a real social problem in the Sudan, clarify its legislation in this regard and make sure that the applicable laws are in full conformity with the Convention on the Rights of the Child;

(f) The Government of the Sudan provide free access to all areas of the country, in particular to the Nuba Mountains and all locations in southern Sudan, to regional and international humanitarian organizations

and representatives of human rights organizations, including human rights monitors envisaged in Commission on Human Rights resolution 1995/77;

(g) The Government of the Sudan carry out immediate investigations into previously reported human rights violations in the Nuba Mountains and other government-controlled areas in southern Sudan. In this connection, the Special Rapporteur recommends that the Government of the Sudan publicly and unequivocally dissociate itself without delay from the reported cases of abduction of persons, especially women and children, belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills areas, and the subjection of these persons to slavery, the slave trade and similar institutions and practices by agents acting under government authority;

(h) The Government of the Sudan and the other parties involved in the armed conflict in central and southern Sudan agree as soon as possible on a cease-fire and intensify their efforts to come to a peaceful solution. The Special Rapporteur calls upon all parties to the conflict to prevent violence by their agents against civilians, including torture, extrajudicial executions and other deliberate and arbitrary killings, and arbitrary detention. The Special Rapporteur calls upon all parties to apply strictly the agreements reached with OLS regarding unimpeded delivery of relief to those in need. The Special Rapporteur recommends that the General Assembly urge all parties to the conflict to begin negotiations on the enlargement of the existing tranquillity corridors in order to decrease the flow of Sudanese refugees into neighbouring countries;

(i) The Government of the Sudan address the problem of displacement and create the appropriate conditions for displaced persons and Sudanese refugees in neighbouring countries to return to their homelands;

(j) The situation of human rights in the Sudan be kept under continuous and intensified monitoring and consideration. In this regard, monitors should be placed at the earliest possible date in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in the Sudan.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the territory of the former Yugoslavia

Report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1995/89

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Introduction

1. After nearly five years of terrible conflict and bloodshed, a fragile peace has returned to the territory of the former Yugoslavia. On 14 December 1995 in Paris, the President of Bosnia and Herzegovina, the President of the Republic of Croatia and the President of the Republic of Serbia, on behalf of the Federal Republic of Yugoslavia, signed the General Framework Agreement for Peace in Bosnia and Herzegovina, which was negotiated over the course of several difficult weeks during November in Dayton, Ohio, United States of America. The Dayton Agreement brought an end, one hopes forever, to the relentless commission of grave violations of international human rights and humanitarian law in Bosnia and Herzegovina which horrified the world for nearly four years. Meanwhile, in the Eastern Slavonia region of Croatia formerly known as Sector East, fears of renewed conflict between the Government and the so-called "Republic of Serb Krajina", with the possible involvement of the Federal Republic of Yugoslavia, were calmed by the signing of an agreement on 12 November 1995 between the two main parties providing for the peaceful reintegration of the region into Croatia and full respect for human rights. In general, developments in the four months since the issuance of her last report give the Special Rapporteur great cause for optimism that disputes in the territory of the former Yugoslavia will henceforth be settled through negotiation and cooperation, rather than through armed conflict.

2. Despite the dramatic advances which have recently taken place, serious human rights concerns continue to warrant the Special Rapporteur's close attention. In this regard the Special Rapporteur has been highly encouraged by the continuing cooperation she has received from all of the parties involved. Of particular note has been the attention to the concerns of the Special Rapporteur shown by the Government of the Federal Republic of Yugoslavia. The Special Rapporteur was heartened in late February 1996 to receive formal notification of the Federal Republic of Yugoslavia's consent to the immediate opening of an office of the Centre for Human Rights in Belgrade to assist her in the exercise of her mandate. Elsewhere, the Special Rapporteur has continued to receive excellent cooperation from all authorities in Bosnia and Herzegovina, the Republic of Croatia, and the former Yugoslav Republic of Macedonia.

3. Since the issuance of her last report (A/50/727-S/1995/933), the Special Rapporteur conducted two missions to the territory of the former Yugoslavia. The first, from 26 November to 2 December 1995, began in the Federal Republic of Yugoslavia, with stops in Belgrade and Pristina, the capital of Kosovo, and continued into Bosnia and Herzegovina, including important visits to Bjeljina and Banja Luka in the Republika Srpska. During this mission the Special Rapporteur also visited the towns of Jajce and Bugojno and the city of Mostar in the Federation of Bosnia and Herzegovina, and Zagreb and the region of Eastern Slavonia (former Sector East) in Croatia. The Special Rapporteur's second mission, from 31 January to 7 February 1996, began in Skopje in the former Yugoslav Republic of Macedonia. On this trip the Special Rapporteur also visited Sarajevo, Tuzla and the areas of Srebrenica and Velika Kladusa (Bihac) in Bosnia and Herzegovina, as well as the Kupljensko refugee camp in Croatia.

4. The Special Rapporteur continues to place great emphasis on the protection of especially vulnerable groups in the former Yugoslavia. The plight of children affected by the conflict is one of her primary concerns. Great encouragement can be drawn from certain initiatives in this area, such as the programme undertaken by the Serb de facto authorities in Vukovar, in the Eastern Slavonia region of Croatia, to assist families in encouraging children to talk about the traumatic experiences of war. On another subject of overriding concern to the Special Rapporteur, that of responsible behaviour by the media, the situation is less encouraging. Restrictions on free expression and the dissemination of nationality-based hate speech pose continuing threats both to upcoming elections and to the cause of peace generally.

5. With the dramatic changes which have taken place in the territory in the last several months, reinforced cooperation between the different agencies active in the former Yugoslavia has become more urgent than ever before. To contribute her part to this process, the Special Rapporteur has maintained regular communication with numerous organizations concerned with human rights issues in the peace process, including the Office of the High Representative, the international implementation force (IFOR), the Organization for Security and Cooperation in Europe (OSCE), the different United Nations missions in the former Yugoslavia, the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Childrens Fund (UNICEF), the International Committee of the Red Cross (ICRC) and numerous local non-governmental organizations. The Special Rapporteur is convinced that the successful exercise of her mandate excludes the possibility of conducting her activities in isolation or in competition with others, but rather requires a commitment to full cooperation and sharing of views with all agencies involved in peace implementation.

6. As with her first report, the Special Rapporteur bases the present report on information she has gathered personally during her missions to the territory of the former Yugoslavia, as well as information gathered by the field staff of the Centre for Human Rights and personnel of other international organizations present in the region. The report considers the situation in each of the four countries included in the Special Rapporteur's mandate, with conclusions and recommendations immediately following each section, as well as a concluding section of general conclusions and recommendations.

I. BOSNIA AND HERZEGOVINA

Introduction

7. It would be difficult to overstate the scale of the changes which have occurred in Bosnia and Herzegovina over the last four months. Since the last report of the Special Rapporteur and the peace negotiations which resulted in the Dayton Agreement, there have been no massacres caused by military attacks on civilian targets, no nationality-based mass expulsions of people from their homes, no blockades imposed on the delivery of humanitarian supplies. There is now significant communication between the parties, providing a basis for the peaceful resolution of disputes. The pervading feeling in Bosnia and

Herzegovina has been transformed from despair to hope, with profound and promising implications for the human rights situation of the country's citizens.

8. There is still an abundance of problems, however, most notably concerning whether the people of Bosnia and Herzegovina will be able to realize their fundamental human rights, including such rights as freedom of movement, choice of place of residence, work and expression, without regard to their different national backgrounds. To assist in the solution of such problems the Dayton Agreement took the important step of establishing a Commission on Human Rights, consisting of the Office of the Human Rights Ombudsman and a 14-member Human Rights Chamber, which will supplement the Office of the Ombudsman already established in the Federation; these entities are empowered to review and resolve allegations of human rights violations. Their effectiveness remains to be proved, as they were just beginning their operations at the time of writing of this report.

9. Concerning the activities of the Special Rapporteur, there has been much cause for encouragement in Bosnia and Herzegovina. All parties to the conflict have continued to demonstrate an impressive willingness to maintain an open dialogue and to assist the Special Rapporteur in the exercise of her mandate. Perhaps the most notable development has been the cooperation received from the authorities of the Republika Srpska, who have provided assistance in the course of visits by the Special Rapporteur in the last several months to Banja Luka, Pale and the Srebrenica region, and who facilitated the opening of an office of the Centre for Human Rights in Banja Luka in January 1996. The authorities of the Federation of Bosnia and Herzegovina, meanwhile, have continued their well-established willingness to communicate and cooperate with the Special Rapporteur on all matters of interest to her.

Srebrenica and other alleged sites of mass killings

10. Much attention has justifiably been placed in recent months on clarification of incidents alleged to have taken place around the former "safe area" of Srebrenica when it fell to Bosnian Serb forces in July 1995. The Special Rapporteur visited the area of Srebrenica in early February 1996. In discussions with authorities of the Republika Srpska as well as other local authorities and relatives of missing persons, she sought to obtain new information concerning the alleged massacre of thousands of Bosniacs by Bosnian Serb forces and the alleged continued detention of others by the Republika Srpska. On 4 February 1996 the Special Rapporteur visited a site near Srebrenica where, on a hillside at Kravica, she personally observed some 12 skeletal remains, still lying on the ground, and where she learned of the existence of at least 50 other corpses of victims of events that had occurred last July. Although it was impossible to conduct a proper forensic examination of the corpses, it could be seen that they were attired in civilian clothes and the absence of evidence of battle, such as shell craters or bullet marks, in the vicinity suggested that these persons may well have been killed in circumstances other than military confrontation. To assist in the clarification of cases such as this, the Special Rapporteur is undertaking an initiative with other concerned parties and with Governments to establish a rapid action task force, composed of experienced criminal investigators,

medical forensics experts, ballistics analysts and others, to examine sites and draw conclusions about circumstances such as those which resulted in the deaths of the persons at Kravica.

11. All evidence which has become available in recent months provides increased support for the conclusion that at least 3,000, and possibly as many as 8,000 persons, mostly men unaccounted for after the fall of Srebrenica, were the victims of mass killings committed by Bosnian Serb forces in gross violation of international humanitarian law. The uncertainty over the number arises because, while there are credible eyewitness accounts tending to indicate that at least 3,000 persons were captured or killed in numerous incidents in and west of Potocari from 10 to 14 July 1995, it is not yet known how many Bosniac soldiers or their relatives, comprising a column of perhaps 15,000 which set off in that direction from Srebrenica on foot on the night of 10 July 1995, failed to arrive safely in Bosniac-controlled territory; estimates range up to 5,000.

12. The most compelling new evidence of massacres is grave sites themselves, such as those at Glogova and Nova Kasaba, which have become accessible to international observers and which are scattered with broken human remains and items of clothing, indicating a hasty and undignified burial. Additional evidence has been noted by international observers at a warehouse in the area, identified by eyewitnesses as a site of executions, in which walls and ceilings are defaced with bullet holes and blood stains. Moreover, information which has been forthcoming from Republika Srpska authorities provides no indication that missing men from Srebrenica are still alive and in custody. Republika Srpska authorities deny that any such prisoners are still being held, although other unconfirmed reports suggest otherwise. The Special Rapporteur herself visited two sites near Srebrenica which had been identified to her as possible places of detention, but no one was being held there as of 4 February 1996. The only known grouping of men from Srebrenica outside of Federation territory are those among 796 Bosniacs, also including refugees from the former "safe area" of Zepa, who have been in protective custody in the Federal Republic of Yugoslavia, in centres at Mitrovo Polje and Sljivovica, since fleeing Bosnia and Herzegovina last summer. Their situation has been monitored by officials of UNHCR and ICRC.

13. On 16 November 1995, the International Criminal Tribunal for the Former Yugoslavia issued indictments against Mr. Radovan Karadzic, then "President" of the so-called Republika Srpska, and General Ratko Mladic, commander of the Bosnian Serb forces, for genocide and crimes against humanity committed under their authority in the area of Srebrenica in July 1995. Since that time, the Tribunal has continued to gather evidence concerning the Srebrenica events, although it has not yet been able to conduct forensic investigations at apparent mass grave sites in the Srebrenica area. Concerns have been raised by numerous international and local observers that increased ease of access to grave sites has created a risk that important evidence may be tainted or destroyed. It is to be hoped that the Tribunal will be able to gather the evidence it requires from these sites and to provide answers to the uncertainty still surrounding events which occurred at Srebrenica in July 1995.

14. It was reported in early 1996 that a large-scale project of removal of bodies from numerous locations and their subsequent disposal in mines at Ljubija, near Prijedor, was under way in the Republika Srpska. Ljubija is alleged to have been the site of mass executions of Bosniacs and Bosnian Croats committed by Bosnian Serb forces in the summer of 1992 and has long been suspected of containing mass graves. International investigators visiting the location in February 1996 reported that it is difficult to determine whether bodies are buried there because of wintry conditions and the extensive layout of the mines. IFOR is conducting aerial surveillance and regular patrols of the location. The arrival of spring should make it possible to learn more about the fate of persons allegedly killed or buried at Ljubija.

15. There has been little clarification of reliable reports received by the Special Rapporteur and other investigators of massacres perpetrated by Bosnian Serb forces, acting in conjunction with paramilitary forces from the Federal Republic of Yugoslavia under the command of Zeljko Raznatovic, known as "Arkan", against non-Serbs in northern Bosnia and Herzegovina in October 1995, just prior to the successful military taking of these areas by Federation forces. Among the gravest of the incidents which, according to available evidence, appears to have occurred is the arbitrary execution of at least several dozen Bosniac men, many of whom had been serving in forced-labour brigades, at a ceramics factory near Sanski Most. At the time of writing of this report many non-Serb men from this area remain unaccounted for.

Observance of the human rights provisions of the Dayton Agreement

16. The Dayton Agreement, at annex 6, committed the parties to securing "to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms", including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, and the rights provided by 16 other international human rights agreements. The Agreement furthermore mentioned numerous specific rights which the parties committed themselves to upholding. The following section considers developments concerning some of these rights since the initialling of the Dayton Agreement in November 1995.

The right to life

17. With the cease-fire which took effect prior to the negotiation of the Dayton Agreement, and the subsequent withdrawal of heavy weapons behind zones of separation, there have been no heavy artillery attacks in Bosnia and Herzegovina resulting in the loss of civilian lives since October 1995. Sniping, meanwhile, has diminished, although it continues to occur with disturbing frequency. On 9 January 1996, a shoulder-launched missile hit a crowded tram in downtown Sarajevo, killing 1 person and wounding 19 others, including 3 children. It was assessed that the rocket was fired from the Bosnian Serb-controlled suburb of Grbavica. An IFOR vehicle was hit by sniper fire, with no resulting casualties, on 2 February 1996 as it travelled between the Sarajevo airport and the Serb-held suburb of Ilidza; the incident followed another, one day before, in which French IFOR troops in Sarajevo shot dead one sniper of Serb nationality and captured another in the same area. There have been additional sniping incidents in Sarajevo, particularly in the Ilidza

area, causing IFOR to take a decision in February to limit its patrolling in that suburb during night-time hours. IFOR troops reportedly have arrested several armed men in connection with sniping incidents in the Ilidza area and handed them over to Republika Srpska police.

18. In the city of Mostar, violence which erupted at the beginning of the year caused the deaths of at least two persons. Problems began on 31 December 1995 when Bosnian Croat police in west Mostar shot dead a 17-year-old Bosniac youth whom they claimed had failed to stop at a checkpoint. Subsequent exchanges of gunfire across the line separating the Bosniac east side of the city from the Croat-controlled west side led to the wounding of two Bosniac policemen on 4 January 1996 and the killing of a Bosnian Croat policeman and wounding of another on 6 January. On 9 January several grenades were fired from the west side of the city to the east. The violence reflected continued tension between the Bosniac and Croat partners in the Federation of Bosnia and Herzegovina, particularly in Mostar. After a de-escalation of violence which lasted for several weeks, trouble again flared in the city on 7 February in the form of angry demonstrations by Bosnian Croats against European Union Administrator Koschnick's plan for municipal boundaries which would have created a large central district in the city to be shared by the two sides. Mr. Koschnick himself suffered an attack when demonstrators surrounded and seriously damaged the car in which he was travelling. At the time of writing of this report, tension in Mostar appeared to have diminished somewhat in the wake of a renewed commitment to the Federation agreed to by the parties at a meeting in Rome on 17 and 18 February 1996.

19. The right to life continues to be seriously jeopardized in Bosnia and Herzegovina by an estimated 3 million mines strewn across innumerable locations throughout the country. Under the Dayton Agreement the former combatants committed themselves to notifying IFOR by 19 January 1996 of the location of all land-mines under their control within 10 kilometres of cease-fire or inter-entity boundary lines. Notwithstanding this provision there remains a huge number of unmarked mines which pose a continuing threat to the lives of the country's citizens and which have already caused numerous casualties, including deaths, both to civilians and to soldiers of IFOR. Several United Nations agencies as well as IFOR are working on plans, to be undertaken with local authorities, to raise mine awareness and reduce the risk of casualties.

Right to liberty and security of person

20. The Dayton Agreement provided that all persons held prisoner in relation to the conflict would be released within 30 days of the transfer of authority from UNPROFOR to IFOR, i.e. by 19 January 1996. The only exception made was for persons reasonably suspected of having committed crimes within the jurisdiction of the International Criminal Tribunal, who are to be held for a period of time sufficient for adequate consultation with Tribunal authorities. Primary responsibility for facilitating and monitoring releases was vested by the Agreement with the ICRC.

21. Failure to comply with the provision regarding release of prisoners proved to be one of the first substantial violations of the Dayton Agreement. Lists initially provided by the parties to the ICRC of persons held in detention were incomplete. The Sarajevo authorities subsequently declined to release persons held in their custody until information was provided by Republika Srpska authorities on the fate of thousands of missing persons from Srebrenica and elsewhere. Recalcitrance was reported on the part of both Sarajevo and Republika Srpska authorities in granting the ICRC full access to places of detention under their control. By the deadline of 19 January, only 218 prisoners had been released out of a total estimated to be close to 900. By 14 March 1996 nearly 800 prisoners had been freed, but it was then believed that more than 200 persons remained in detention, including some 60 suspected war criminals.

22. The Special Rapporteur was gratified to learn in January 1996 of the release by Republika Srpska authorities of 15 elderly persons, including leaders of Merhamet and members of the so-called Valter group, from imprisonment which in some cases had lasted up to 15 months. The Special Rapporteur had visited these individuals in the military prison at Banja Luka during her mission there in November 1995.

23. Great concern has been expressed in recent reports of the Special Rapporteur about the personal security of members of minority populations who have been subjected to egregious physical attacks, often in connection with evictions, in various locations in the country, particularly in the Serb-controlled area of Banja Luka in northern Bosnia and Herzegovina. Since the signing of the Dayton Agreement, more than 50 new evictions based on nationality have been reported to international monitors in the Banja Luka area, although the accompanying level of violence has declined relative to that in the months immediately preceding the Dayton negotiations.

24. A new concern related to the right to personal security has arisen, this time in the area of Velika Kladusa, near Bihac, which is under the control of Federation authorities. Dozens of reports have been received by international agencies that some of the nearly 10,000 former supporters of the breakaway Abdic regime who have returned to the area from the Kupljensko refugee camp in Croatia have been subjected to various forms of intimidation, including beatings at the hands of Bosnian authorities and residents in the region. These have occurred despite the Government's granting of a general amnesty to former Abdic supporters in early 1996.

25. Among the perpetrators of attacks against recent returnees in Velika Kladusa appear to be members of the Bosnian army. Under the protocol establishing the tripartite police force, comprised of officers from Bosnia and Herzegovina, Croatia and Turkey, which now patrols the region, all military units were to have been withdrawn from the area concurrently with the arrival of the international police. It appears this provision has not been fully respected.

Right to freedom of movement

26. Although freedom of movement for the citizens of Bosnia and Herzegovina has improved substantially since the signing of the Dayton Agreement, their

ability to move unmolested throughout the country is still greatly restricted. The most notable advances in this area have been in and around the city of Sarajevo. Early progress on this issue could be seen in November 1995 with the gradual opening of the Kiseljak and Hadzici routes, crossing Bosnian Serb-controlled territory, to civilian and commercial traffic both in and out of the city, providing a much-needed alternative to the treacherous road over Mount Igman and a virtual end to the state of siege. Routes connecting Bosnian Serb and Bosniac-controlled territory across the Sarajevo airport have been used by thousands of vehicles since November 1995. Also in November, the Bratsva bridge between the city centre and the Serb-controlled suburb of Grbavica was opened to pedestrians following diligent efforts by UNPROFOR's civil affairs unit.

27. The risks still inherent in movement around Sarajevo, however, were made clear by incidents in early 1996 in which travellers were stopped and detained by authorities of opposing factions. In the first week of January, 16 Bosniacs travelling on the road to Kiseljak were arrested by Republika Srpska authorities and were only released several days later after sustained international intervention. Then, in early February, Sarajevo authorities detained six Bosnian Serbs who mistakenly drove onto Bosniac-controlled territory. While four of these individuals were later released after international pressure, two, who had been high-ranking officers in the army of the Republika Srpska, remained in custody and were eventually flown by IFOR to The Hague after the International Criminal Tribunal determined that sufficient evidence existed to hold them on war-crimes charges. The incident apparently led to a reprisal by local Republika Srpska authorities, who detained two Bosniac journalists in the area of Grbavica on 8 February; one was later released, while the other remained jailed on unspecified charges at the time of writing of this report. While the actions of the Sarajevo authorities in this case appear to have been conducted in compliance with law and the terms of the Dayton accords, considered together with actions of the Republika Srpska authorities they cast a chill over perceptions of freedom of movement generally.

28. Commercial and private traffic has now been substantially restored between Sarajevo and Gorazde, bringing needed relief to Gorazde's residents who had suffered through more than three years of siege. There is also regular civilian bus service to and from the city.

29. In Mostar, repeated declarations that freedom of movement between the two sides of the city would be respected were disregarded by Bosnian Croat authorities, who permitted women, children and the elderly to cross but who refused access to west Mostar to Bosniac draft-age men. Freedom of movement was also temporarily suspended after the violent incidents which took place in the city in early January. At the meeting between the parties in Rome on 17 and 18 February, it was formally agreed that full freedom of movement would be accorded to all persons in the city as of 20 February and indeed, by the end of the month close to 1,000 persons were making the crossing daily, including draft-age Bosniac men crossing into the city's west side, though their numbers were small, evidently owing to fear. The issue of freedom of movement between east and west Mostar has been one of the most difficult problems faced by the city's European Union Administration and has provided one of the starkest illustrations of the failure of the two partners in the Federation of Bosnia

and Herzegovina to achieve meaningful unification. Restrictions on freedom of movement between territories controlled by Bosnian and Bosnian Croat forces elsewhere in Bosnia and Herzegovina have also been noted since the last report of the Special Rapporteur, including in the areas of Vitez and Kulen Vakuf.

30. In areas near inter-entity boundary lines separating the Republika Srpska from the Federation of Bosnia and Herzegovina, there have been some slight advances in freedom of movement which support cautious optimism about future developments on this issue. In the Doboj area it is reported that at least 40 families from the Federation have returned to the village of Stanic Rijeka in the zone of separation, and that others have crossed the boundary into the Republika Srpska for brief visits without encountering major difficulties. In the Brcko area in the north of the country some persons have also reportedly crossed from Federation into Republika Srpska territory to meet with relatives and friends and to check on their properties. However, such movements remain infrequent and of limited scale.

Right to return and to choice of residence

31. In annex 7 to the Dayton Agreement, the parties accept that all refugees and displaced persons have the right to return freely and in safety to their homes of origin. Annex 7 further states that the parties will undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group (Art. II).

32. An early test of the right to return arose with the pilot agreement reached at Dayton between the Bosnian and Bosnian Croat partners in the Federation for the return of 300 Bosniac families to the Bosnian Croat-held towns of Jajce and Stolac, and 300 Bosnian Croat families to the Bosniac-controlled towns of Travnik and Bugojno. In visits to Jajce and Bugojno on 1 December 1995, the Special Rapporteur found little cause for encouragement that the local authorities were prepared to support implementation of this agreement. Since then, progress on returns to the four communities has indeed been slow, although some advances have been made. As of late February 1996, only Travnik, to which 100 Croat families had reportedly returned, appeared to have satisfied the goals of the pilot agreement for return. Some 60 of the agreed-upon 200 Bosniac families had returned to Jajce, while in Stolac, local Bosnian Croat authorities held a ceremony on 3 February attended by Federation President Zubak, among others, at which they formalized their acceptance of the imminent return of 100 Bosniac families. Little progress, meanwhile, appears to have been made on the return of Bosnian Croats to Bugojno.

33. The United Nations High Commissioner for Refugees has underscored the importance of the Dayton Agreement's call for the process of return to be orderly and phased, and has also urged countries of refuge to proceed cautiously in lifting temporary protection status. To date, the number of returns has been small, due largely to winter conditions; however, it is expected that the process will accelerate considerably in the spring. There have already been notable returns of Bosnian Croat refugees and displaced persons to areas of western Bosnia and Herzegovina formerly controlled by Bosnian Serbs, and returns of Bosnian Serbs to the area of Mrkonic Grad,

controlled since last summer by Bosnian Croat forces but which reverted to the Republika Srpska under the Dayton Agreement. Informed observers have noted that it is to be expected that the great majority of returnees will return only to areas under the control of authorities of the same nationality.

34. Nevertheless, the Dayton Agreement is clear that the parties shall not interfere with returnees' choice of destination. To promote the return of persons to areas controlled by authorities of different nationalities, the Dayton Agreement obliges the parties to undertake several specific confidence-building measures, including the repeal of legislation with discriminatory intent or effect, the suppression of nationality-based propaganda in the media and the provision of specific protection for minority populations. It is still too early to determine whether such measures will be effectively implemented and whether there will be any significant returns of persons of one nationality to regions controlled by authorities of another.

35. In this regard, events in Sarajevo during the first two months of 1996 do not give great cause for optimism. The Dayton Agreement provided that authority over five Sarajevo suburbs would pass from the Republika Srpska to the Federation by 19 March 1996, and Federation police authorities joined officers of the International Police Task Force (IPTF) in patrolling the first of these suburbs to undergo a transfer of authority, Vogosca, on 23 February. However, during the preceding months, both sides fell far short of implementing confidence-building measures which would have permitted the transition to occur smoothly, and as a result, the months since the signing of the Dayton Agreement witnessed an exodus of thousands of Bosnian Serbs from the suburbs at issue to areas which are to remain under the authority of the Republika Srpska. Departing Serbs were reported to have taken with them truckloads of personal belongings, industrial equipment removed from factories and even, in some cases, the exhumed remains of relatives; numerous residences were intentionally burned and otherwise destroyed prior to departure. It is estimated that as many as 20,000 Bosnians of Serb nationality had left the affected suburbs of Sarajevo by the end of February, leaving only a few hundred others behind. Remaining Serb and non-Serb residents of the suburbs have faced enormous difficulties, since the departure of so much of the population has left communities without medical and communications services and such basic necessities as shops with food for sale.

36. Sarajevo authorities contributed to this massive displacement through the ambivalence and, in some cases, hostility reflected in their public statements concerning the right of Serbs to remain. In some instances authorities were quoted as saying that all but "Chetniks" could rely on the Sarajevo authorities' protection. Since "Chetnik" is commonly understood to refer to anyone of Serb nationality, not only war criminals, these statements caused considerable apprehension among the Bosnian Serb population in the Sarajevo area. The Government in Sarajevo delayed enactment of an amnesty which, if approved at an early stage, could have assured all but war criminals that they would be free from the fear of arrest and prosecution for activities conducted for the army of the Republika Srpska. Such an amnesty law was finally approved by the Assembly in February, with the delay reportedly due in part to the Government's view that it should await enactment of a similar amnesty law by the Republika Srpska. The situation in Sarajevo was further aggravated

towards the end of February by numerous incidents in which departing Serbs were stoned and otherwise intimidated along the roadways by Bosniacs, whose actions were generally not interfered with by Federation police authorities.

37. For their part, some Republika Srpska authorities made liberal use of the media to seek to convince Bosnian Serbs in the Sarajevo suburbs that they would face great risk of personal harm if they chose to remain in their homes after the transfer to Federation control. On several occasions Republika Srpska authorities expressly encouraged Serbs to evacuate the area, greatly exacerbating the atmosphere of fear and mistrust.

38. Elsewhere in Bosnia and Herzegovina, local authorities appear to have failed entirely to create conditions which might have persuaded citizens of one nationality to remain in areas to be controlled by authorities of another. In February 1996, it was observed that almost all Bosnian Croats in the area of Mrkonic Grad had evacuated prior to its reversion to the control of the Republika Srpska; in some cases persons reportedly were forced by Bosnian Croat authorities to depart against their will. The exodus occurred after Bosnian Croat forces, evidently in anticipation of the imminent transfer of control, had engaged for nearly three months in a campaign of looting and arson which destroyed much of the area's habitable or usable property. In northern Bosnia and Herzegovina, practically the entire Bosnian Serb population in the Odzak area left before its transfer of control to Federation authorities.

39. Nevertheless, encouraging signs are beginning to emerge. As noted above, a small number of families from the Federation have moved back to the village of Stanic Rijeka in the zone of separation near Doboj, and others have indicated a desire to return to nearby areas in the Republika Srpska. Similar wishes to return to areas under Republika Srpska control have reportedly been expressed by displaced non-Serbs from the Brcko municipality in the north of the country, from non-Serbs now residing in Jablanica in the south and elsewhere. Small numbers of displaced Bosnian Serbs have reportedly indicated their wish to return to areas under the control of the Federation, including some in Banja Luka who are considering return to Drvar, Sanski Most and other locations.

Right to freedom from discrimination

40. Discrimination in access to housing, employment, education, medical services and other vital necessities has been widespread throughout Bosnia and Herzegovina during the war, and its elimination will be a key test in the country's struggle to achieve a lasting peace. Numerous cases of discrimination suffered by persons belonging to certain nationalities residing in areas controlled by authorities of another have been and continue to be brought to the attention of the Special Rapporteur. The problem is similarly prevalent in areas controlled by Bosnian, Bosnian Croat and Bosnian Serb authorities.

41. The bulk of international attention on this issue has been given to events which occurred during the war in the area of the Republika Srpska, where evictions of non-Serbs from their homes were of an especially violent nature, sometimes involving acts of murder, rape and other abuse, and where

non-Serbs were often forced because of their nationalities to undertake arduous and sometimes life-threatening work assignments, including forced labour on military confrontation lines. At the time of writing of this report these particularly grave incidents have largely ceased, and a positive development occurred in Banja Luka in mid-January when 15 Bosniac families won a court order allowing them to return to their homes from which they had earlier been unlawfully evicted. However, it is reported these persons have had difficulty in obtaining enforcement of the orders. There remains much cause for concern, including continued reports of evictions, and denial of employment and urgent medical services to non-Serbs on the basis of nationality.

42. In the Federation of Bosnia and Herzegovina, discrimination against persons of different nationalities continues to be a serious problem. In Mostar at least 10 forcible and unlawful evictions of non-Croats from their homes on the city's west side were reported to have occurred since 1 January 1996. Tuzla has been the site of evictions of Serb residents following the arrival of displaced persons from Srebrenica. There have also been numerous reported instances of unlawful evictions of non-Bosniacs from their residences in Sarajevo during the past year. Staff of government offices, military officers, university professors and others appear to hold their positions throughout the Federation owing to overriding consideration being placed on their nationalities, and the proportion of members of local minority groups with high positions in both Bosniac and Bosnian Croat-controlled institutions is far less than what might be expected considering the size of local population groups.

43. The Office of the Ombudsmen for the Federation of Bosnia and Herzegovina has performed excellent work in documenting and responding to these and other allegations of discrimination in the period of just over a year in which it has been operational. However, other Federation and governmental authorities have been slow and, in some cases, completely uncooperative in responding to the Ombudsmen's findings. Important work in documenting patterns of discrimination has also been accomplished by various NGOs in the Federation, including the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Serb Civic Council in Sarajevo, and the Citizens Forum in Tuzla.

Right to freedom of expression

44. As has been observed by the Special Rapporteur and others since the beginning of the war, the question of the right to free expression in Bosnia and Herzegovina requires consideration both of restrictions on the right, and its abuse by way of unrestricted advocacy of national and religious hatred and incitement to discrimination. While the parties to the Dayton Agreement have committed themselves to eradicating both violations, events of recent months show that much progress in this crucial area remains to be made.

45. Of particular concern to the Special Rapporteur has been the use of the media by all three sides to advocate perspectives exclusively favouring one nationality at the expense of others, notably in the disputes which have occurred over the transfer of Serb-held suburbs to the Federation in Sarajevo, and in Mostar. The Special Rapporteur also notes the continuing lack of opposition press and broadcast outlets in the Republika Srpska, as well as the

difficulties which have been experienced by the non-governmental enterprise Studio 99 in obtaining broadcast licensing in Sarajevo. On a more positive note, however, the appearance of numerous new publications in Sarajevo since the lifting of the siege against the city offers reason for optimism concerning future developments on freedom of expression in Bosnia and Herzegovina.

Humanitarian issues

46. The need for humanitarian assistance for the people of Bosnia and Herzegovina remains urgent, notwithstanding the cessation of hostilities. There are more than 1 million displaced persons in the country, many of whom lost their homes and are now living in severely overcrowded collective centres. The Special Rapporteur had the opportunity to visit collective centres in northern Bosnia and Herzegovina in late November 1995 and to learn first-hand the situation endured by their residents. Innumerable people are afflicted with the wounds of war, both physical and psychological. The lives of children and the elderly, in particular, have been gravely affected and they will require special attention. Tremendous damage, moreover, has been done to the country's economic and social infrastructure.

47. International agencies, Governments and NGOs are reinforcing their humanitarian programmes in the country and demonstrating great commitment to improving the plight of its citizens. One positive development has been the increased possibility for UNHCR and other agencies to rely on local suppliers for the production of both food and non-food humanitarian goods, which can help in speeding economic recovery.

Future considerations

48. The situation of human rights in Bosnia and Herzegovina will be of particular relevance to elections which, under the Dayton Agreement, are supposed to take place between 14 June and 14 September 1996. The Agreement recognizes that, for elections to be considered free and fair, certain conditions must exist including an environment in which voting may be conducted without fear or intimidation, and in which there is freedom of expression and of the press. The Agreement vests with the OSCE the responsibility for certifying "whether elections can be effective" within the dates specified (annex 3, art. I, para. 2).

49. Certain aspects of the electoral system created by the Dayton Agreement are troubling, notably the provision which defines eligibility for the Presidency of Bosnia and Herzegovina by, among other criteria, the candidates' nationalities. Under the Constitution established by the Dayton Agreement (annex 4, art. V), the two members of the Presidency from the Federation must be one Bosniac and one Croat, while the member from the Republika Srpska must be a Serb. Distinctions based on nationality are one of the Dayton Agreement's most regrettable, if arguably necessary features. It is to be hoped, perhaps against all indications, that these concessions to expediency will not harden into permanently impenetrable barriers between Bosnians of different nationalities.

Conclusions

50. The Dayton Agreement and the deployment of the international implementation force have resulted in a major and deeply welcomed reduction in gross violations of international human rights and humanitarian law in Bosnia and Herzegovina. However, the true test for the establishment of a lasting peace will be the parties' compliance with the human rights provisions of the Dayton Agreement and other international instruments, which form the basis of civil society.

51. Recent evidence tends to confirm allegations that Bosnian Serb forces massacred at least 3,000 Bosniacs, and possibly many more, in the area of Srebrenica in July 1995, in gross violation of international human rights and humanitarian law. Evidence has also recently become available of massacres allegedly committed by Bosnian Serb forces in the area of Ljubija in 1992, and near Sanski Most in October 1995. It is to be hoped that the International Criminal Tribunal for the Former Yugoslavia will be given adequate means to investigate these allegations and finally resolve the uncertainties about what happened at these locations.

52. Despite the cessation of hostilities, there are still serious threats in the country to the rights to life and personal security. Among these are continued sniping incidents in Sarajevo, recurrent hostilities between the Bosnian and Bosnian Croat partners in the Federation, especially in Mostar, and millions of land-mines scattered around the country.

53. As of the time of writing of this report, the parties remain in violation of the Dayton Agreement's terms concerning the release of prisoners. It was estimated that a total of approximately 200 persons were still being held by the three sides.

54. Although freedom of movement has greatly improved since the signing of the Dayton Agreement, there are still considerable risks involved for persons from any of the three major national groups travelling through areas controlled by nationals of another. However, some limited examples of increased freedom of movement across inter-entity boundary lines, and improvement in the situation in Mostar, give reason for cautious optimism on this issue.

55. Returns of refugees and displaced persons are gradually increasing, particularly displaced persons returning to areas under the control of authorities who share their nationality. Progress has finally been recorded on the intra-Federation pilot return project of November 1995, with Travnik in full compliance, Jajce having advanced significantly and Stolac reportedly prepared to do the same, though no returns have been recorded there to date. Bugojno, however, remain uncooperative.

56. Imminent elections prescribed by the Dayton Agreement will offer a major opportunity for the citizens of Bosnia and Herzegovina to express their hopes and wishes for the country's future. It will be necessary, however, to play close attention to such issues as respect for personal security and freedom of expression, which are internationally recognized as prerequisites to free and fair elections.

Recommendations

57. For final clarification of events which occurred in the area of Srebrenica in July 1995 and other alleged serious violations of humanitarian law, it will be essential that the International Criminal Tribunal for the Former Yugoslavia continue to receive the financial and logistical support of the international community. The Special Rapporteur also intends to seek support for the creation of a rapid-action task force to assist in investigations of sites, still common in Bosnia and Herzegovina, in which the bodies of persons killed during hostilities remain unrecovered. The Special Rapporteur also wishes to recommend that all measures be undertaken by responsible authorities, including religious authorities, to ensure the dignified burial of such persons.

58. For clarification of questions concerning persons still missing and unaccounted for, all possible support should be given to efforts being undertaken on this issue by the International Committee of the Red Cross, and the expert of the Commission on Human Rights, among others.

59. Demonstrated respect for human rights must be a precondition to any initiative for the large-scale return of Bosnians back to their country. Such respect must also be a precondition to major reconstruction aid, as distinguished from continuing humanitarian assistance. The foundation for a lasting peace in Bosnia and Herzegovina will not lie in an infrastructure of factories, bridges and other economic needs - the country had this five years ago, but it did nothing to prevent the outbreak of war. The foundation for a lasting peace will lie in demonstrated respect for human rights by all the parties to the conflict.

60. At the same time that short-term steps are taken by the international community to protect human rights in Bosnia and Herzegovina, it will be vital to bear in mind measures which can safeguard human rights well into the future. All possible support must be given to the Commission on Human Rights created by the Dayton Agreement (annex 6), to the Federation's Office of the Ombudsmen, and to local human rights NGOs.

61. All initiatives which result in the sharing of communities between Bosnians of different nationalities must be resolutely encouraged. It is true that most refugees and displaced persons will likely seek resettlement initially in areas already under the control of their ethnic counterparts. But efforts must not be abandoned to promote a broader resettlement model in which people can choose to live anywhere in the country, as provided for in the Dayton Agreement. To surrender to the inevitability of ethnically pure zones would pose great danger in the future, not only in Bosnia and Herzegovina, but in every place where conflict threatens to break out as a result of ethnic cohabitation.

II. CROATIA

Introduction

62. Since the issuance of her last report, the Special Rapporteur has visited the Republic of Croatia twice, in December 1995 and February 1996. During

these missions she visited the region of Eastern Slavonia, formerly known as Sector East, as well as the Kupljensko refugee camp near Vojnic. The Special Rapporteur met with the President of the Republic of Croatia in December 1995 and has also held meetings with other top government officials, including the Minister of Foreign Affairs, as well as with representatives of international and non-governmental organizations. The Special Rapporteur notes with appreciation the continuing cooperation she has received from the Croatian authorities.

63. In her last report, the Special Rapporteur paid particular attention to compelling human rights issues which arose in former Sectors North and South after Croatia's military recovery of control over those regions last summer. While noting recent developments on that issue, the present report also considers other human rights issues of concern in Croatia generally.

64. This report is based on materials received by the Special Rapporteur during her missions to Croatia and on information gathered by field staff of the United Nations Centre for Human Rights, as well as on information received from the Croatian Government and international and local organizations.

A. Further developments in the Krajina region

The right to life

65. Although the incidence of killings in the former Sectors has been substantially reduced since the Special Rapporteur's last report, sporadic cases justify continuing serious concern about protection of the right to life. On 26 February 1996 an elderly Serb couple was murdered in the village of Jezerce, near Plitvice. In other recent cases, two elderly Serb women were shot dead in their homes in separate incidents, in the villages of Ljubotic and Bilisani, former Sector South, in the first week of February 1996.

66. The Special Rapporteur has received information from the Croatian authorities on some criminal proceedings which have been undertaken regarding killings of civilians which occurred in former Sectors North and South in the aftermath of last summer's military operations. The Government indicates that, as of 20 January 1996, 27 murder investigations have been completed and 25 persons have now been charged before judicial authorities. The authorities state that in the Varivode case, concerning the killings of nine elderly Serbs in that hamlet in the former Sector South on 28 September 1995, the trial of four defendants is now drawing to its conclusion. In proceedings concerning the killings of seven elderly Serbs in Gosici, former Sector South, on 27 August 1995, pre-trial proceedings are continuing against six persons, two of whom are also defendants in the Varivode case.

67. The Special Rapporteur notes that, while the authorities have pursued criminal proceedings in some cases described in her previous report, there is little evidence of progress concerning many other reported killings. Among these is the Grubori case, in which five civilians were found dead shortly after Croatian Special Forces were seen moving toward the hamlet on 25 August 1995. The Special Rapporteur has written to the Croatian Government requesting clarification of the Grubori case. United Nations investigators

monitoring the situation in the former Sectors after last summer's military operations had recorded at least 150 apparent violations of the right to life occurring at that time.

The right to property

68. Despite a significant decrease in acts of burning and looting of property in the former Sectors since her last report, frequent cases of looting continue to be reported. A 93-year-old woman and her daughter in Kistanje, former Sector South, reported the theft of their pigs and cattle on 1 December 1995 and additional looting later in the month of poultry, linen, food-aid parcels and money. On 9 February 1996 in Biskupija, near Knin, several men in military uniforms were observed removing bricks from an abandoned house and loading them onto vehicles. An elderly Serb woman in the village of Ervenik reported in February that her property has been frequently looted, and that she was accosted in her home one night by intruders demanding food-aid parcels. There is little evidence of reinforced police presence in the former sectors.

69. Concerning the campaign of arson and looting conducted in former Sectors North and South last year, described in extenso by the Special Rapporteur in her last report, information recently received from the authorities alleges that a total of 757 houses were partly or totally destroyed by arson in the summer of 1995. This figure differs drastically from the total of 5,000 structures estimated by United Nations observers to have been destroyed by fire in the former Sectors. The Government reports that charges of arson have been brought against only 11 persons and offers no indication whether any convictions have been recorded in these cases. The authorities further advise that 1,600 cases of grand larceny have been reported since last summer's military operation, of which 1,151 have been solved, and 935 persons have been charged with the crime of aggravated larceny and brought to trial.

Humanitarian and social issues

70. Some progress appears to have been made in the former Sectors in the provision of humanitarian assistance to needy persons, particularly Croatian Serbs, although additional measures need to be taken. According to a census conducted by the Government, 9,773 persons remained in the area following last summer's military operations. The Croatian Ministry for Labour and Social Welfare has opened reception centres for sick and elderly persons in Petrinja, former Sector North, and Knin, former Sector South. The State welfare agency, meanwhile, has provided financial assistance amounting to 200 kuna (approximately US$ 40) per household on three occasions, resulting in a total disbursement of some 2 million kuna (approximately US$ 400,000) to nearly 10,000 households. However, reports continue to indicate that Croatian Serbs face some difficulties in obtaining access to humanitarian assistance. Issuance of identity documents in some locations continues to be slow and inefficient. Moreover, resources devoted to humanitarian programmes are considerably below the levels required.

71. Recent reports indicate that one of the main problems now faced by Serbs concerns discrimination in employment. The Special Rapporteur has learned of some 20 workers of Serb nationality who, dismissed from the "Daruvarske

toplice" spa in Daruvar, former Sector West, have not been rehired despite a court order to that effect. Many Serbs of working age in the former Sectors are unemployed and dependent on humanitarian assistance. Furthermore, information received by the Special Rapporteur indicates that Croatian Serbs have been denied their right to pension allowances, as well as to State assistance for home reconstruction.

Detention issues

72. On 30 December 1995, the President of Croatia issued a decree granting amnesty to 451 Krajina Serbs* accused of "armed rebellion" for their alleged military support of the so-called "Republic of Serb Krajina". This decision of the Croatian Government was noted with appreciation by the Security Council in a statement by the President dated 8 January 1996. Nevertheless, the Special Rapporteur is of the opinion that a general amnesty, which has not yet been decreed, is a condition sine qua non for the return of Croatian Serbs, who will otherwise fear prosecution for having served in the army of so-called "Republic of Serb Krajina". Regarding trials initiated against detainees indicted for war crimes, the Special Rapporteur has emphasized to the authorities that the principle of fair judicial process, including access to defence counsel, must be fully guaranteed.

The return of Croatian Serb refugees

73. According to the State Office for Displaced Persons and Refugees, the return of some 2,100 Croatian Serb refugees now in the Federal Republic of Yugoslavia has been approved, out of a total of nearly 5,600 requests received, although there are indications that considerably more Croatian Serbs would like to return to Croatia. However, as for large-scale returns, the Government has indicated the matter will be addressed only in the course of discussions on normalization of relations between Croatia and the Federal Republic of Yugoslavia. It appears this position might delay the return of persons who fulfil all pertinent legal prerequisites.

74. The Special Rapporteur notes as encouraging the Croatian Parliament's amendment on 17 January 1996 of the "Law on the Temporary Take-over and Administration of Certain Properties", which suspended the 90-day time-limit earlier imposed on Croatian Serb refugees who had fled from the Krajina region to file claims to their real property, or risk having it handed over to displaced persons for temporary use. This decision may have a positive impact on decisions of refugees whether to return.

Legal questions

75. In her last report, the Special Rapporteur expressed concern regarding the treatment of Serbs remaining in Croatia, especially with reference to the suspension of articles of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities. The

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* Although the decreee named 455 persons to be released, the International Committee of the Red Cross concluded that 4 names were duplicated on the list.

Government has taken the position that minorities remain protected by virtue of article 15 of the Croatian Constitution, guaranteeing the protection of minorities in Croatia generally. However, the suspended special constitutional provisions contain many more specific provisions for the protection of minority Serbs. The authorities have stated their intention to engage in confidence-building measures in the near future for the promotion of tolerance between different ethnic communities, while stopping short of reinstituting special constitutional protections.

76. Regarding the establishment of the Provisional Human Rights Court, suspended as part of the above-mentioned constitutional provisions, the Government has indicated that legal experts have been summoned from the Council of Europe to provide advice on this issue although long-standing promises that the Court would be created imminently continue to go unfulfilled. The Government has, however, called attention to Croatia's ratification in 1995 of the Optional Protocol to the International Covenant on Civil and Political Rights, which permits individuals to communicate to the Human Rights Committee individual complaints of alleged human rights violations.

B. Additional human rights concerns

The practice of illegal and forcible eviction

77. Continued extensive information has been received by the Special Rapporteur concerning the problem of illegal and forcible evictions in Croatia. These have occurred mainly from former military apartments whose ownership has been transferred to the Ministry of Defence, but also from other State-owned property and private apartments. They are frequently conducted by military police or members of the Croatian army, and in several cases have involved the use of violence. Many evictions are carried out against Croatian Serbs who were members of the old Yugoslav National Army (JNA), sometimes on the grounds (under art. 102 (a) of the Housing Law) that such membership constituted de facto "enemy activity" against Croatia.

78. In November 1995, the Special Rapporteur raised this issue in a letter to Croatian authorities and emphasized the need for action to stop the violations of tenants' rights and to reinstate victims in their homes. The letter, to which the Government sent a reply in early 1996, noted several cases, including that of Ms. M.Z. who was evicted on 21 July 1995 in Zagreb by a group of men in uniform, including one who was a member of the First Croatian Guard Unit. The perpetrators threatened, beat and raped one of the three persons living in the contested apartment. The correspondence also noted a case occurring on 30 October 1995, in which an attempt was made by military persons to evict Mr. G.R. from his apartment in Split. One of the perpetrators was killed and others seriously injured when a hand grenade exploded during the incident.

79 The authorities have taken the position that the withdrawal of tenancy rights is sometimes due to "the subletting of flats to subtenants". However, the Special Rapporteur notes that many evictions are conducted without court

order or other legal authorization. No information has been provided on whether legal proceedings have been undertaken against perpetrators of illegal and forcible evictions.

80. The Special Rapporteur is informed of the continuing problem that court decisions to reinstate evictee's in their apartments are not enforced by Croatian police authorities. She expressed great concern on this matter in a meeting held in late 1995 with the Minister of Defence, who acknowledged this and stated that "the military police intervene in such practices only on the basis of a request from the public prosecutor". Examples of non-enforcement include the case of Mr. B.H., evicted in Split by a member of the Croatian Military Police; the Municipal Court ordered the reinstatement of his apartment to him, which decision was confirmed on 21 November 1995 by the County Court in Split. He has not been able to secure enforcement of the order from the responsible police authorities.

The situation of the media

81. In Croatia, the exercise of freedom of the press is regulated by the Media Act* of April 1992. The State exerts dominant control over the media, largely through ownership of major media outlets. However, a distinction has to be made between the predominantly State-owned electronic media and the printed media which, with the exception of the major Zagreb daily newspapers, tends to be more independent. The ruling party's control over the electronic media was especially evident during Croatia's national elections in October 1995 when, for example, the national television station HTV provided extensive coverage of the President's visits to different towns while refusing to broadcast political advertisements for at least two opposition parties.

82. The Special Rapporteur has noted with great concern several recent attacks on media independence in Croatia. On 26 October 1995 the editor-in-chief of the Osijek weekly Bumerang, which has often been critical of the ruling HDZ party, was assaulted and beaten while taking photographs of an HDZ election rally, allegedly by plain-clothes policemen in full view of uniformed police officers who failed to intervene. On 25 January 1996 a vice-prime minister allegedly threatened a journalist from the daily Novi list in the Parliament building with a gun borrowed from a security guard, reportedly saying the writer "should be killed" for articles she had written that were critical of the new State budget. The official laughed after the incident and said it had only been a joke, but the journalist is pressing charges. Also in January, leaders of the independent station Radio Labin Art Express in the Istrian region were threatened by assailants who reportedly attempted to steal the station's transmitters. The station had just complied with a government order to stop broadcasting after its concession was reassigned to a newly created station, Radio Labin, reportedly more supportive of the ruling HDZ party.

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* The Constitutional Court, in a recent decision, declared that a majority had not been obtained in April 1992 and repealed the Media Act. However, a new deadline has been set for 30 June 1996.

83. Although the Croatian legal system, especially article 39 of the Constitution, prohibits the publication of material advocating discrimination or nationality-based hatred, such material continues to appear. On 4 February 1996, for example, a journalist from the daily Vecernji list proclaimed in an article that "the most perfidious trade union leaders in Zagreb are Serbs" and "the most perfidious editors and journalists in the 'State-controlled' media are also Serbs".

Kupljensko

84. As of 27 February 1996, according to a census conducted by the UNHCR, 6,490 refugees from Bosnia and Herzegovina remained in the Kupljensko camp near Vojnic. The Special Rapporteur visited the camp on 2 February 1996 and received information directly from refugees about the camp's living conditions, which are extremely difficult. Tents and other makeshift structures provide limited protection against the elements, and disease is an ever-present threat. An initiative by UNHCR to instal containers at the compound to provide special humanitarian needs was blocked by Croatian authorities. The authorities have also impeded efforts to set up authorized shops for the sale of basic necessities.

85. The Special Rapporteur was informed about the arrest on 1 February 1996 of 69 refugees suspected of engaging in "illegal trading, possession of weapons, and smuggling". Tension in the camp was further increased when some 46 of these persons were repatriated against their will to Velika Kladusa in Bosnia and Herzegovina, evidently without consideration as to whether they might have wished to pursue claims to refugee status in Croatia.

86. The Special Rapporteur, during a meeting with the Minister of Foreign Affairs in February 1996, emphasized the responsibility of the Croatian authorities to provide acceptable living conditions in the camp and ensure that the rights of refugees are fully respected. Reportedly, an agreement was reached in early March between the authorities and camp residents for the closing of the camp, the repatriation of army residents and the transfer of the rest to other refugee facilities in Croatia. It remains to be seen whether the right to seek refugee status will be fully respected by the Croatian authorities.

III. THE REGION OF EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

Introduction

87. On 12 November 1995, the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium was signed by the Government of the Republic of Croatia and representatives of the local Serb community. The Agreement calls for a Transitional Administration to be set up in the region (formerly known as Sector East, and hereafter referred to as "Eastern Slavonia"), and an international force to be deployed for a period of 12 months, extendable by an additional year at the request of either of the parties. It is significant that the parties committed themselves, inter alia, to ensuring respect for the highest level of internationally recognized human rights and fundamental freedoms in the region.

88. With the adoption on 15 January 1996 of Security Council resolution 1037 (1996), the Basic Agreement entered into force and a United Nations peace-keeping operation was established under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium" (UNTAES). The Council decided the region should be demilitarized within 30 days of the deployment of an international force of up to 5,000 troops. The task of the civilian component of UNTAES is to include, inter alia, the establishment of a temporary police force, the facilitation of the return of refugees and displaced persons, and monitoring of the parties' compliance with their commitment to respect the highest standards of human rights and fundamental freedoms.

89. The Special Rapporteur visited the region of Eastern Slavonia on 3 December 1995. During her visit she inspected the town of Vukovar and met with Serb de facto authorities, as well as with representatives of the local Red Cross. She also met with representatives of international organizations including the United Nations Confidence Restoration Operation in Croatia, (UNCRO), UNHCR, ICRC and the European Community Monitoring Mission (ECMM). The Special Rapporteur's visit included discussions with individuals of non-Serb ethnic origin, with displaced persons and with other private individuals.

90. Based on the recommendation of the Special Rapporteur and following agreement of the Croatian authorities, the High Commissioner for Human Rights decided to open a field office of the Centre for Human Rights at Erdut, Eastern Slavonia, effective as of 1 February 1996. Due to the inadequate availability of logistical assets, however, the field office has not yet become fully operational.

91. The following section is based on information gathered by the Special Rapporteur during her visit to Eastern Slavonia and additional material collected by the field office in Erdut.

Freedom of movement

92. Steps toward normalization which took place after the signing of the Basic Agreement have had some positive effects on the general human rights situation in Eastern Slavonia. By early 1996 restrictions of movement imposed on United Nations civilian and military personnel by de facto Serb authorities were substantially reduced. Many checkpoints were dismantled and passage through existing check-points was eased. The Special Rapporteur and her staff received assurances of full freedom of movement for the implementation of her mandate.

93. However, reports have been received that access to certain areas remains restricted. This is particularly true of the Draz area and other locations such as Popovac and Lug. One recent restriction on movement involved United Nations military observers who were not permitted to drive on the road to Koziac.

Illegal expulsions and forced co-location

94. The current population in Eastern Slavonia is estimated to be 150,000 to 170,000. During fighting in 1991/92, some 75,000 Croats and others left the region whereas some 80,000 Serbs, mostly displaced persons from other parts of Croatia, have moved into the region since that time. Due to war-related destruction of many homes, the region is presently overpopulated.

95. In the first six weeks of 1996, an additional 15,000 Serb refugees and displaced persons moved into Eastern Slavonia. The influx has led to a further deterioration of already precarious living conditions and resulted in some violations of human rights. Several reports have been received of cases of forced evictions of families belonging to minority populations, mostly Croats. In one case an elderly woman was evicted from her house in Dalj by members of Special Forces from the Federal Republic of Yugoslavia. In another incident, incoming Serb displaced persons were reported to have evicted an elderly Croat woman in the village of Ilok. The Serb de facto authorities have reportedly expressed concern about such cases and stated that they attempt to remedy unlawful evictions. In a few instances evicted property owners have been reinstated in their homes with the support of the local militia. However, in the majority of cases lawful owners have not yet recovered possession.

96. The recent influx of refugees and displaced persons into Eastern Slavonia has led in a number of cases to co-location of these persons with residents of Croatian and Hungarian ethnic origin, without the consent of the latter. This has created widespread fear and stress among members of the minority population.

Personal security

97. Apart from the foregoing, security in the region is reported to have improved. The Serb de facto authorities have reportedly managed to curb crime rates. Fewer incidents of crimes committed against United Nations personnel have been reported; however, in early January 1996 three United Nations vehicles were hijacked by uniformed men. Investigations carried out by local authorities resulted in the return of two vehicles by mid-February.

98. A major concern in Eastern Slavonia is the threat to the right to life posed by an estimated 400,000 mines. These remain strewn along confrontation lines and present a serious hazard, particularly for individuals and families seeking to reoccupy abandoned houses.

War-traumatized children

99. During her visit to Eastern Slavonia the Special Rapporteur took particular note of the situation of children affected by the conflict. She reiterated her view that children who have been subjected to emergency situations are entitled to special protection, rehabilitative care and education that aims at ameliorating war-related trauma. The Special Rapporteur was informed by local authorities that regular schooling up to the university level is functioning in the region. In addition, she learned of special workshops and seminars for children, including one organized by Serb

de facto authorities in Vukovar aimed at helping parents contribute to the healing process of their war-traumatized children. A workshop which took place in summer 1995 brought 2,000 children together in a holiday camp which provided psychologic treatment and counselling.

Confidence-building measures

100. The Special-Rapporteur underlined in her discussions with the Government of Croatia and Serb de facto authorities the importance of concrete confidence-building measures. With the support of UNTAES and other international organizations in the region, several meetings on an assortment of issues were held during the first two months of 1996, on such topics as planning for the establishment of the transitional police force, reopening of a stretch of the Zagreb-Belgrade highway in the Zone of Separation at Lipovac, and economic issues. One positive initiative has been family reunions arranged by regional Red Cross associations, with the support of UNTAES, at the Sarvas-Nemetin checkpoint. Some 1,000 persons have been reunited with relatives whom they had not seen for several years.

Humanitarian situation

101. The conditions in which Serb refugees and displaced persons live in Eastern Slavonia are deplorable. Staff of the Centre for Human Rights working with the Special Rapporteur in Erdut visited houses inhabited by refugees in the towns of Dalj, Erdut, Sarvas and Ilok. In all cases the houses are substantially damaged, and many inhabitants are obliged to sleep on floors and subsist on meagre rations of bread and soup obtained at emergency kitchens. Children were observed to be poorly clothed and dirty, and some people were found to be suffering from apparent respiratory infections and other ailments. Many residents reportedly suffer from malnutrition. In Ilok, where there are approximately 9,000 Serb refugees and displaced persons, 86 people are being accommodated in a makeshift temporary shelter at the fire station.

102. In addition to children, the elderly are an especially vulnerable group. Protection of their rights requires specific attention and adequate material support from the local authorities. The elderly in the region depend almost entirely on humanitarian assistance, as they have not been receiving pensions for the last five years. Although entitled to Croatian pensions, few persons have claimed them because of logistical and procedural obstacles. Both Croat and Serb authorities appear to bear responsibility for impeding the process. At present, elderly persons are receiving social assistance from Serb de facto authorities that amounts to the equivalent of US $10 per month.

Conclusions

103. The human rights situation of the Serb population living in the former Sectors retaken by the Croatian military last summer remains precarious. Cases of looting, harassment and discriminatory treatment continue to be reported and remain a serious cause for concern, as do the issues of the return of Croatian Serb refugees and the detention of those subject to proceedings for their alleged participation in the conflict. The vast

majority of the Serb population has now departed Croatia, and there is a risk, given prevailing conditions, that the number of Serbs remaining will continue to shrink.

104. Information provided by the Government of Croatia indicates that a large number of judicial proceedings have been instituted with respect to crimes and human rights violations that were allegedly committed, mostly against Croatian Serbs, in the aftermath of the military operations. However, many reported cases of killings remain unresolved, and there is little evidence of trials concerning acts of arson or looting being brought to a conclusion.

105. The Croatian authorities, as a result of international pressure, have undertaken certain measures in order to improve this situation. However, in light of the information received by the Special Rapporteur, it appears that these measures remain insufficient.

106. Serious human rights problems continue to be noted in Croatia, including ongoing illegal and forcible evictions, the practice of hate speech and attacks on lawful expression, and implementation of certain legal provisions which seem to discriminate among citizens.

107. The situation of the refugees in Kupljensko camp is cause for serious concern due to the apparently summary deportation of a number of refugees to western Bosnia and Herzegovina, against their will. Furthermore, living conditions in the camp are extremely poor.

108. Numerous complex problems lie ahead with respect to the question of the peaceful re-integration of Eastern Slavonia, including demilitarization of the region, return of displaced persons and refugees, and reconstruction which can lead to the resumption of normal civic and economic life.

Recommendations

109. In order to build confidence and provide security, the Croatian authorities should increase policing and humanitarian projects in the former Sectors. A general amnesty should be decreed for all former combatants of the so-called "Republic of Serb Krajina" and the return of Croatian Serb refugees now in the Federal Republic of Yugoslavia and elsewhere should be facilitated.

110. The international community should strongly encourage further development of local human rights organizations, particularly groups concerned with women's and children's issues.

111. The Croatian authorities should cease forcible and illegal evictions and undertake effective steps to reinstate illegally evicted tenants in their rightful apartments. Criminal proceedings must be undertaken against perpetrators of illegal evictions.

112. Appropriate measures to combat nationality and religion-based hatred should be undertaken by the Croatian Government, through education and public information programmes. Freedom of expression, although not for advocacy of hatred, must be resolutely guaranteed.

113. The Croatian authorities should ensure decent living conditions for persons in the Kupljensko refugee camp and guarantee a reasonable opportunity for these persons to submit claims for refugee status.

114. To achieve full implementation of the agreement on the Eastern Slavonia region, it will be essential that the two parties intensify mutual contacts in all aspects of civic and economic life, in a spirit of cooperation and with the willingness to translate words into action.

IV. FEDERAL REPUBLIC OF YUGOSLAVIA

Introduction

115. The Special Rapporteur visited the Federal Republic of Yugoslavia from 26 to 29 November 1995. The purpose of her visit was to establish contacts with the authorities of the Federal Republic of Yugoslavia after the Dayton Agreements and to receive updated information from the authorities and from United Nations organizations in the field such as UNHCR and UNICEF, as well as from non-governmental organizations and private individuals. The Special Rapporteur met with the Minister of Foreign Affairs and the Federal Minister for Freedoms of the Citizen and National Minority Rights, among other authorities. During her stay she visited Pristina to assess the human rights situation in Kosovo.

116. In addition, staff members of the Centre for Human Rights visited Belgrade and Vojvodina on her behalf from 18 to 24 January 1996 to further update the information received by the Special Rapporteur during her visit in November and to continue exploring with the authorities of the Federal Republic of Yugoslavia the possibility of establishing a presence of the Centre for Human Rights in Belgrade.

117. The Special Rapporteur thanks the authorities of the Federal Republic of Yugoslavia for their cooperation, and for acceding to her request to open an office in Belgrade in support of her mandate.

118. The Special Rapporteur has received a substantial amount of material about human rights problems from various sources. She also took note of documentation provided by the Government of the Federal Republic of Yugoslavia which expressed the views of the authorities on this matter.

Information received by the Special Rapporteur

119. During her visit the Special Rapporteur received information from non-governmental organizations and private individuals about human rights violations such as the systematic practice of torture and ill-treatment in detention centres, abuse of power by police authorities, and infringement of freedom of movement, media and association, as well as information on the situation of minorities in the areas of Vojvodina, Kosovo and Sandzak.

120. The Special Rapporteur held discussions with Yugoslav authorities on the situation of refugees and the status of the adoption of amnesty and citizenship laws.

121. Through her direct contacts with the local authorities, the Special Rapporteur attempted to verify information received in the course of her visit. One of her particular concerns is the well-being of children in the areas of education and health as well as the protection of refugees accommodated in collective centres.

Need for enactment of new legislation

122. The existing legislation of the Federal Republic of Yugoslavia governing the rights of media, movement and trade union activities received much attention by the Special Rapporteur as did the necessity for the rapid adoption of new legislation dealing with citizenship and amnesty.

Freedom of media

123. The Federal Republic of Yugoslavia exercises strong control over electronic and printed media, despite legislation contained in the 1992 Federal Constitution (art. 36) by which freedom of the press, all forms of public information, and free expression and publication of opinions in the media are guaranteed.

124. The main legislation concerning the media are the Law on the Basis of Public Information (28 March 1991) and the Law on Radio and Television (31 July 1991). In 1994, the Government proposed amendments to the former, according to which the approval of the Government would be required for any foreign financial or technical contributions to the media in Serbia. These amendments were not retained by the Parliament.

125. RTV Serbia (consisting of television centres in Belgrade, Novi Sad and Pristina) is the only television station broadcasting nationwide, currently on three channels. RTV Montenegro covers the airwaves in the Republic of Montenegro.

126. On 15 February 1996, the Belgrade Economic Court revoked registration of the independent TV station Studio B as a privately held corporation and registered it as a public company funded by the Municipal Assembly in Belgrade. By this action, the most important independent broadcast media outlet was put under State control. Only independent Radio B-92 continues to exist. Otherwise, Serbian citizens now receive only RTS State-controlled broadcasts.

127. Independent print journals exist in Serbia, with a combined circulation of about 150,000. Nasa Borba is the only independent daily newspaper; it has approximately 20,000 readers in Belgrade, and survives with international assistance. The independent newspaper Borba, previously the largest, was taken over by State authorities after its registration was cancelled in December 1994.

128. There is evidence that smaller radio broadcasters and publishers are more independent than the larger media organizations. Their size, however, means that their audience, and therefore their influence, is limited. In view of the forthcoming elections, there is considerable reason for concern over the control which the Government exercises on the media.

Freedom of movement

129. Information has been received by the Special Rapporteur regarding allegations of restrictions of freedom of movement. These restrictions are manifested by the refusal of the authorities, in an arbitrary manner, to issue passports and appropriate identity cards to persons living in the Kosovo area, and to persons recently arrived from the Krajina region of Croatia. Indeed, a list of petitioners for passport renewal from the area of Kosovo was transmitted to the Federal Ministry of Justice, and a promise was made to the Special Rapporteur by the authorities for a prompt investigation. A reply from the Government on this matter should be forthcoming.

130. It has been alleged that male Serb refugees coming from the Krajina region of Croatia after the events of last summer, labelled as "expellees" in a decree issued on 29 November 1995 by the Yugoslav authorities, are not being provided with appropriate documentation, which restricts their freedom of movement. There have been cases where these refugees have been drafted into military service.

Trade union activities

131. The Special Rapporteur was informed that the country enjoys rather democratic legislation regarding trade union rights, but its implementation is not being observed; the right to strike, for example, is curtailed through government intimidation, pressure and State-controlled propaganda. Furthermore, only officials of "authorized" trade unions participate in the bargaining process. Independent trade unions lack access to the media and their press circulation is limited.

132. The right to establish and operate free trade unions with the implicit right to strike was only granted after the dissolution of the Federal Socialist Republic of Yugoslavia; social pressure caused the ruling party to include these provisions in the Constitution. As a result, union rights and freedom of association in the labour movement are yet to be developed.

133. Independent trade unions have challenged illegal or unconstitutional regulations governing workers' rights. The Special Rapporteur was informed that in November 1994, changes were introduced to the 1990 General Collective Agreement by the Serbian Government, the Serbian Chambers of Commerce and the so-called "authorized" Council of the Confederation of Trade Unions without the knowledge of the independent associations and in violation of the trade union freedoms and rights.

134. The changes no longer retained employers' obligation to provide premises and administrative and financial support, including authorization to supply workers with relevant information and protection mechanisms for their representatives, on an equal basis with "authorized" or State-controlled trade unions. The effect of these changes was effectively to ban independent trade unions, as they no longer have the offices or technical facilities to operate. Above all, their representatives are denied their right to protection on account of their activities.

135. Allegations have also been received of cases of workers who are undergoing investigation for alleged breaches of trade union law or for participating in unauthorized trade union activities.

Question of citizenship

136. Prior to the dissolution of the Federal Socialist Republic of Yugoslavia all citizens of the Federal Socialist Republic had dual citizenship: that of a republic and of the Federation. Since Federation citizenship afforded a citizen the same rights throughout the country, a citizen could change citizenship of a republic with no consequences. With the extinction of the Federal Socialist Republic, the Federal Republic of Yugoslavia declared itself the sole successor to the Federal Socialist Republic and dual citizenship was abandoned. Those citizens of the former Federal Socialist Republic from republics other than those constituting the Federal Republic of Yugoslavia (Serbia and Montenegro) who found themselves in the Federal Republic through circumstances beyond their control are therefore now considered as foreigners.

137. A new proposal concerning the Federal Citizenship Act (June 1995) by the Federal Ministry of Internal Affairs is currently under discussion. It should be noted that in elaborating legislation on citizenship, States have an international obligation to consider the provisions of international law, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as any other international legislation on this question at the regional level.

138. The new bill raises a number of questions which the Special Rapporteur intends to discuss in detail with the Government of the Federal Republic of Yugoslavia. This matter will therefore be addressed in her next report.

Amnesty

139. The Government of the Federal Republic of Yugoslavia drafted an amnesty law and submitted it to Parliament for consideration which is expected to be forthcoming in March 1996. The Special Rapporteur did not receive the text of the legislation. She has been informed that the law will contain a passage providing amnesty to those charged with armed rebellion. The proposed legislation may grant amnesty from prosecution to those who were conscripted by the various States of the former Yugoslavia during the armed conflict.

Situation of minorities

140. There are a number of concerns regarding the protection of minorities in the Federal Republic of Yugoslavia. Widespread discrimination against particular ethnic and religious groups continues to be reported in the areas of Kosovo, Vojvodina and Sandzak.

141. It is acknowledged that the Federal Republic of Yugoslavia has had severe strains placed upon its resources by the influx of refugees, particularly from the Krajina region of Croatia in 1995, and that insufficient support has been provided by the international community compared with other former Yugoslav territories. Such difficulties have also been exacerbated by the transition to a market-orientated economy. However, these obstacles

should not preclude the authorities' compliance with international standards governing minority rights. The relocation of the displaced Serbian population within the territory of the Federal Republic of Yugoslavia should be exercised with caution to preserve as much as possible existing ethnic composition.

Kosovo

142. Ethnic Albanians in the Kosovo region constitute 90 per cent of the population; between 1.1 and 1.5 million people. On 27 November 1995, during her visit to the Federal Republic of Yugoslavia, the Special Rapporteur had meetings with Serb officials and representatives of the ethnic Albanian population in Kosovo. In her discussions, the Special Rapporteur requested clarification of the situation in Kosovo, as information she has received has often been contradictory.

143. It should be noted that the ethnic Albanian population has established operations of a parallel administrative system in response to the suspension of Kosovo as a federal unit in 1989-1990. The educational system for ethnic Albanian children in Kosovo, however, is far from adequate, since there is an insufficient number of trained teachers and a lack of adequate school premises and educational materials. Albanian children also suffer intimidation when not on school premises.

144. At its eleventh session, the Committee on the Rights of the Child, having considered the reports of State parties, expressed grave concern about the situation of Albanian-speaking children in Kosovo, especially with regard to their health and education. It would appear that the rejection by the Albanian population of the Government's decision to apply a uniform education system and curriculum have resulted in the summary dismissal of a large number of schoolteachers, therefore preventing some 300,000 school-age children from attending classes (CRC/C/15/Add.49, para 7).

145. Medical services are boycotted by the Albanian population due to mistrust stemming in part from an alleged poisoning incident which occurred in March 1990 during a vaccination programme carried out by Serb medical teams. Consequently, children, who are especially susceptible to illness, are not provided with adequate medical care, and inoculations against epidemic diseases have stopped. Infant mortality is high and incidents of tuberculosis have generally increased for both the young and the aged. It is of grave concern to the Special Rapporteur that it is children and the elderly who pay the price for adult mistrust.

146. The Special Rapporteur has received reports of systematic torture and ill-treatment committed by the police in Kosovo. Those who have experienced such incidents have often been refused medical assistance. Permanent disabilities have been reported by those who have been subjected to electric-shock treatment and beatings. Information provided by the Humanitarian Law Fund in Belgrade, which defended 120 cases of this nature in court, indicates that only 10 detainees were spared ill-treatment or torture whilst in detention.

147. The Special Rapporteur raised the above issue with the authorities through the Secretariat. The Minister of Justice stated that, although some incidents of abuse of power and authority had been registered in the area of Kosovo, those incidents were isolated and the perpetrators were brought to justice. The Ministry promised to forward to the Special Rapporteur the results of the proceedings and the actual number of officials charged by the court, as well as the number of those serving sentences.

148. The Special Rapporteur welcomes this initiative of the Ministry of Justice. The Special Rapporteur may consider this action as a possible mechanism for reporting human rights violations; this method could also be envisaged for establishing a dialogue with the authorities for future corrective actions.

149. A practice which appears to be widespread throughout the territory of the Federal Republic of Yugoslavia is the phenomenon of so-called "informative talks". It has been alleged that a special unit of the police entrusted with political matters invites people suspected of political involvement to report to the police stations and respond to questioning on their activities. In many instances people have been detained soon after these talks and placed in incommunicado detention. Accusations have also indicated that in some cases people have been detained for a month without their families' knowledge.

Vojvodina

150. The population of the region of Vojvodina is very diverse in terms of ethnicity, culture, religion, and language. In terms of numbers, Serbs account for 57.3 per cent, Hungarians 16.6 per cent, Croats 3.7 per cent, Slovaks 3.2 per cent, Romanians 1.5 per cent, Roma 1.2 per cent, Bulgarians 1.1 per cent, Ruthenians 0.9 per cent, and Ukrainians 0.4 per cent.

151. Although the Constitution of 1992 guarantees that national minorities can express their national affiliation and culture, use their language and alphabet, exercise the right to education and public information in their language and the right to establish cultural organizations and associations in their language, the Hungarian and Croat minorities living in this region have expressed concern about the effective implementation of their rights.

152. As far as cultural rights are concerned, it has been stated that although schoolchildren are permitted to use their mother tongues, the curriculum and their school programmes have progressively changed since 1988 on the basis of instructions received from Belgrade. Fears have been expressed that Hungarian historical names and denomination of places might be permanently lost.

153. Information provided by UNHCR shows that there are 162,000 refugees in Vojvodina, 8 per cent of the total population. There has been an emigration of ethnic Hungarians from Vojvodina since 1988; furthermore, it should be noted that approximately 30,000 young men left the territory to avoid conscription.

154. There is concern among ethnic groups that recently arrived refugees may permanently settle in Vojvodina and change the ethnic balance. Despite appeals by the local population to the federal Government, refugees continued to be directed to the seven North Bacska, ethnic Hungarian local governments. The structure of the population in small municipalities such as Apratin has been drastically changed. Silada (part of Apratin municipality), with a population of 900, has received 362 refugees.

155. Complaints have also been received about forced eviction of Hungarian families to accommodate the new arrivals, as well as the occupation of empty houses belonging to Hungarian migrant workers living abroad.

Sandzak

156. The Special Rapporteur met with Muslim representatives from the Sandzak region who provided her with information regarding human rights abuses in the area.

157. Sandzak is administratively divided between Serbia and Montenegro; the Serbian entity is subdivided into Serb-majority electoral districts. The ethnic composition of Sandzak is 60 per cent Muslim, and 40 per cent Serb.

158. There have been no independent human rights monitors in Sandzak since the OSCE mission left the region in June 1993. It is alleged that since the beginning of the conflict, the abduction of members of the Muslim population by officials has continued. Border areas in particular have been targeted, both to provide conscripts to serve in the army and to "ethnically cleanse" the region. It has been alleged that property owned by the expelled Muslim population has been appropriated by Serb authorities.

159. Of particular concern are instances in which the abduction of Muslims has reportedly been perpetrated by police in civilian clothing. Individuals have remained missing after such abductions, and in some cases have been murdered and the bodies found in the border region.

160. The practice of "informative talks" with the police is also prevalent in Sandzak. The reasons given to attend such "informative talks" are often ambiguous and could be a source of abuse whilst in detention, since those talks are not conducted with implicit legal safeguards.

161. The Special Rapporteur has received a number of complaints from Sandzak which she intends to examine in a forthcoming visit to the Federal Republic of Yugoslavia. During the same visit, human rights violations against the Bulgarian minority in the eastern area of Serbia will be addressed. Information has been received that the civil and political rights of this minority group have not been observed.

Conclusions

162. The human rights situation in the Federal Republic of Yugoslavia remains a serious concern.

163. Current legislation dealing with freedom of expression, freedom of movement and freedom of association should be examined with a view to the enactment of new laws.

164. The present system dealing with the question of citizenship is subjective and open to abuse.

165. The media in the Federal Republic of Yugoslavia is not assured of its independence, nor is the State-funded media impartial.

166. The education system in Kosovo is in a dire situation. Education in children's mother tongues can be beneficial, but only if different ethnic groups are provided with equivalent resources. Failing to do so can only serve to exacerbate community tensions.

167. Medical services in Kosovo are a source of mistrust for ethnic Albanians. This, coupled with the effect of sanctions on the general health of the population, has caused children and the elderly to suffer.

168. There are random home searches, arbitrary arrests and systematic beating of detainees whilst in custody in the Kosovo and Sandzak regions.

169. The Special Rapporteur acknowledges the efforts of the Government to facilitate the temporary settlement of refugees.

170. The right to express ethnic culture, language and religion could be undermined in the areas of Kosovo, Vojvodina and Sandzak if the Government does not undertake concrete measures to make effective the enjoyment of the guarantees enshrined in the Constitution.

Recommendations

171. Human rights law and standards for the population of the Federal Republic of Yugoslavia must be ensured and enforced, regardless of ethnic status.

172. Individuals should enjoy the right to fair trial and freedom from arbitrary arrest and detention.

173. The practice of so-called "informative talks" by the police should be discontinued.

174. A mechanism should be established with the relevant authorities of the Federal Republic of Yugoslavia for reporting human rights violations and for providing the Special Rapporteur with prompt responses on corrective actions undertaken by the Government.

175. Legislation regarding citizenship should take into account the provisions contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as any other international legislation regarding this question.

176. Interference in broadcasting and publishing must be discontinued. Improvements must be introduced to the legislation of the Federal Republic of Yugoslavia to protect the freedom of the media, as this is a crucial indicator of democracy. Freedom of the media will be especially important in the context of the forthcoming elections. International governmental and non-governmental organizations must assist the implementation of media freedom through financial, technical or professional support.

177. The freedom of independent trade unions must be protected and enforced by the Government. The development of independent trade unions must be furthered by the development of social and political freedoms, as the two are inextricably linked.

178. Dialogue must be established between the leaders of the ethnic Albanian population in Kosovo and the Government of the Federal Republic of Yugoslavia. The cycle of mistrust must be discontinued in order to achieve a peaceful settlement of differences.

179. Refugees now in Vojvodina must be allowed to return to their homes of their own free will and with dignity. Those who choose to remain in the Federal Republic of Yugoslavia should be allowed to do so.

180. The freedom of culture, religion, education, language, and other expressions of ethnicity must be protected and defended by the Constitution of the Federal Republic of Yugoslavia.

V. THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Introductory remarks

181. Since her appointment in September 1995, the Special Rapporteur has closely followed the human rights situation in the former Yugoslav Republic of Macedonia. In order to further acquaint herself with the most recent developments and issues pertaining to her mandate, the Special Rapporteur visited the country from 31 January to 2 February 1996.

182. During her visit, the Special Rapporteur had the opportunity to meet with the President of the Republic, the Prime Minister, the Chairman of the Assembly, the Minister of Internal Affairs, the Minister of Education and the Minister of Justice. She also had meetings with the Chief of Mission of the United Nations Preventive Development Force (UNPREDEP) and with the head of the Continuing Monitoring Mission of the Organization for Security and Cooperation in Europe (OSCE). The visit further included discussions with representatives of the Helsinki Committee for Human Rights of the Republic of Macedonia, the Democratic Forum for the Protection of Human Rights and Freedoms in Macedonia and the Open Society Institute Macedonia.

183. The present report was prepared following the Special Rapporteur's visit, and is based on material gathered both during that mission and through the entire reporting period by the Skopje field office of the Centre for Human Rights.

184. The attempt on the life of the President of the Republic on 3 October 1995 shook the country and provoked reactions of despair and outrage around the world. During her recent visit, the Special Rapporteur was relieved to see that the President has already been able to take up his duties once again.

Administration of justice

185. The Constitution adopted in November 1991 provides the basis for a comprehensive reform of the country's administrative and judicial institutions, and calls for the enactment of a wide range of laws and regulations to form the legal structure of the State. Regrettably, for a long period of time this legislative process was delayed far beyond the time-frame set by the Constitution, which in many cases resulted in discrepancies between the provisions of the Constitution and corresponding laws, dating back to the era of the Federal Socialist Republic of Yugoslavia. As a temporary solution to this situation, the Constitutional Court has on numerous occasions used its authority to repeal or invalidate specific legal provisions which were found not to conform to the present Constitution. The extent of this problem is illustrated by the fact that, during the last year, the Constitutional Court received 374 initiatives for examining the constitutionality of various laws and regulations. In 186 of 335 closed cases, the Court decided to annul a legal act or revoke a governmental action as unconstitutional.

186. The above-mentioned delay has also affected the development of the country's judicial system, since both the law defining the structure and competence of the courts and the laws on civil and criminal procedures date back to the era of the Federal Socialist Republic of Yugoslavia. However, the Special Rapporteur notes that a number of important laws have been passed during the last year. Others are under preparation or have already entered the parliamentary procedures for adoption. The new Law on Courts, which was adopted on 20 July 1995 and drafted in consultation with the Council of Europe, is scheduled to enter into force on 1 July 1996, and will bring about a comprehensive restructuring of the country's court system. Both the new Penal Code and the laws on civil, criminal and executive procedures are expected to be in place in April 1996. The law defining the mandate of the Ombudsman is also scheduled for adoption in April 1996.

Right to freedom from arbitrary arrest and detention

187. The Special Rapporteur has been alerted to a number of instances in which house searches, arrests and interrogations were allegedly carried out by the police without presentation of proper documents authorizing them to undertake such actions. A series of cases has been reported, e.g. in connection with the so-called Tetovo University initiative, and during the investigation of the attempt on the life of the President of the Republic.

188. In this regard, the Special Rapporteur has been informed that the leading figures of the so-called Tetovo University initiative were arrested and detained, without having been presented with court orders, in connection with the disturbances in Mala Recica on 17 February 1995. It is reported that these persons were questioned and kept in police custody for up to 40 hours,

well beyond the statutory 24-hour limit, before being brought before an investigating judge. Allegedly, they were not allowed to contact their lawyers or families during these interrogations.

189. The Special Rapporteur has also received allegations of seemingly unmotivated police actions against persons attending classes given at the so-called Tetovo University. It has been reported, for example, that on 23 November 1995, Mr. A.B. and Mr. S.A. were apprehended by two police officers in a street in Tetovo and taken to a police station for questioning. Allegedly, the police searched their bags and confiscated their textbooks. It is further reported that on 15 January 1996, Mr. H.H., owner of a restaurant in Tetovo, was called to the police for so-called "informative talks" regarding a student party held at his restaurant on 14 January 1996. Reportedly, the police ordered him not to arrange such events at his establishment in the future. It appears that in neither of these incidents did the police present the persons concerned with any document authorizing the action taken.

190. In connection with the investigations into the attempt on the life of the President, it has been reported that in December 1995, the police carried out a campaign of house searches in several districts in Skopje. Allegedly, the police failed to present the persons concerned with any court order or warrant authorizing the searches. Apparently, these actions were carried out solely on the basis of a formal announcement by the Ministry of Internal Affairs published the following day in the main daily newspapers.

191. The Special Rapporteur has further been alerted to the case of Mr. Boris Todorov, who was arrested in his home in Skopje on 13 November 1995, allegedly in connection with the investigation into the attempt on the life of the President. Reportedly, the police searched Mr. Todorov's home without presenting proper documents and confiscated a large number of items without leaving a receipt. Mr. Todorov was then allegedly taken to a police station, where he was kept for questioning from 13 to 16 November 1995 without being able to contact his lawyer or his family. On 10 December 1995, the Special Rapporteur wrote a letter to the Minister of Foreign Affairs requesting clarification of the case of Mr. Todorov. In its reply of 1 February 1996, the Ministry stated its position that the measures taken against Mr. Todorov were in accordance with the Constitution.

192. The Special Rapporteur has also been informed of an incident reported in the town of Strumica in August-September 1995, in which a group of some 20 persons were called to the police for questioning and kept in custody for five to six hours per day during a period of two weeks, without being charged with any criminal offence. Allegedly, the persons concerned were denied access to legal counsel. According to the Ministry of Internal Affairs this action was taken as part of a campaign against drug trafficking and smuggling.

Rights of national or ethnic, religious and linguistic minorities

193. The educational situation of national minorities, and in particular the Albanian community, remains one of the most pressing concerns in the country. The Special Rapporteur continues to receive complaints with regard to the number of teachers and the quantity and quality of textbooks, teaching aids

and other resources provided to Albanian pupils. While it is difficult to assess the extent of these shortages and their specific implications for minority students, it is clear that the entire school system is faced with serious difficulties due to limited resources. The shortage of primary and particularly secondary school teachers for minorities is serious, and the Ministry of Education has in some instances been obliged to employ unqualified personnel to meet the demand, which has negatively affected the quality of teaching in many minority schools. However, this practice is no longer possible under the new laws on primary and secondary education.

194. The number of minority students who continue their education at institutions of higher education remains disproportionately low, although the situation seems to have improved somewhat in recent years. It may be noted that five years ago, 1.7 per cent of the students at Saint Cyril and Methodius University in Skopje were of Albanian origin. This academic year, the corresponding number has risen to 9 per cent, partly due to the introduction of a 10 per cent minority quota at the universities three years ago. The Ministry of Education has informed the Special Rapporteur of its plans to further develop the minority quota system in institutions of higher education. It is also to be hoped that the ongoing restructuring of the Pedagogical Academies will meet the growing demand for competent teachers for minorities. The Special Rapporteur notes that the new law regulating the sphere of higher education remains to be enacted.

195. The Special Rapporteur further notes the disproportionately low number of Albanian employees and other persons with a minority background in public office. As illustrative examples, it may be noted that some 4.5 per cent of the police force is composed of ethnic Albanians, while the corresponding figure for military employees is around 4 per cent. The Special Rapporteur has been informed that the Government is attempting to address this problem by increasing the quotas for minorities at the police and military academies, and by successively recruiting a larger number of members of minority groups to posts at ministries, courts and other public institutions.

196. The Special Rapporteur has continued to follow the situation of the Serb Orthodox community in the former Yugoslav Republic of Macedonia. It has been brought to her attention that despite meeting the formal requirements, this community has not been able to register with the relevant authorities. It appears the reason given by the Ministry of Internal Affairs for rejecting the requests for registration was that this community had engaged in activities not compatible with its status.

197. The new Law on Local Self-Government, which was passed in October 1995 and prepared in cooperation with experts from the Council of Europe, includes important provisions concerning the official use of minority languages on a municipal level. According to the new law, the language and alphabet of a national minority will be used, together with Macedonian, on signs and inscriptions in public places in municipalities in which the minority group constitutes the majority (at least 50 per cent) of the population, and if the local municipal Council so decides in municipalities with a considerable number (at least 20 per cent) of minority inhabitants. Both languages will also be in use in the local administration in municipalities where there is a majority or considerable number of persons belonging to the minority. In

addition, the statutes, decisions and acts of the local government bodies are to be published in both languages. The new law builds on guarantees set out in article 7 of the Constitution.

198. The Special Rapporteur welcomes and supports the proposal made by the President of the Republic to initiate a comparative study of the minority situations in the various Balkan countries, under the auspices of the United Nations.

Right to freedom of expression

199. The situation of the media, and particularly the independent press, remains a serious concern in the overall human rights situation. The main media outlets and distribution networks with nationwide coverage are still under State control. In this regard, the Special Rapporteur welcomes the recent initiative to establish a private newspaper with national coverage. The first issue of this publication is expected in March-April 1996. Some representatives of the independent press further allege discrimination regarding their access to official information, press conferences and interviews with government officials. As for the electronic media, the Special Rapporteur notes the Government's decision in May 1995 to close down several private radio and TV stations on the grounds that they did not possess the licences required for broadcasting. The Special Rapporteur recognizes the urgent need for regulation in the sphere of TV and radio broadcasting, and notes with concern that the legal situation in this field remains unclear in the absence of new and updated legislation.

Right to an adequate standard of living

200. The side-effects of the United Nations sanctions against the Federal Republic of Yugoslavia and the unilateral embargo imposed by Greece have in recent years put an additional strain on the already difficult economic situation in the country. This has limited the Government's ability to ensure full enjoyment of economic and social rights. The Special Rapporteur notes that currently around 30 per cent of the workforce is unemployed, as a result of serious drops in industrial production. It is further reported that only some 20 per cent of the persons employed have received their salaries for the past few months. The social consequences of this situation are obvious. It is to be hoped that the Interim Accord signed between the former Yugoslav Republic of Macedonia and Greece in September 1995 and the suspension of the sanctions against the Federal Republic of Yugoslavia will contribute to alleviating the serious social and economic situation in the country.

Conclusions and recommendations

201. While the former Yugoslav Republic of Macedonia may not face the same magnitude of problems as those seen in other parts of the region, some difficult human rights issues must still be addressed. The most pressing concerns are connected with the enactment of new legislation, irregularities in the work of the law enforcement authorities, minority rights and the media situation. These are issues which are present in many other States in transition from a centralistic to a democratic form of government. However, in the case of the former Yugoslav Republic of Macedonia, this process of

transition has been further complicated by a difficult minority situation, the proximity of the conflicts and tensions in other parts of the region, uncertainties surrounding the country's international status and serious economic difficulties.

202. The Special Rapporteur welcomes the progress made in enacting new legislation giving substance to the 1991 Constitution. Both the procedural and substantive laws in the spheres of criminal justice are expected to be in place by July 1996, when the new Law on Courts enters into force. This set of legislation should provide an adequate formal basis for a well-functioning court system. The redress mechanisms for persons with human rights complaints should further be strengthened with the appointment of an Ombudsman, following the adoption of the relevant law. The Special Rapporteur urges the Government and all political forces in the country to maintain the current pace of reform, and to pay particular attention to the development of adequate national institutions for the protection of human rights.

203. However, while the legal basis and institutions for human rights protection are being developed, the ability and willingness of ordinary citizens, legal practitioners and public officials to make use of these redress mechanisms will also have to be strengthened. Both the authorities and local non-governmental organizations have a crucial role to play in building a functioning civic society and in raising the awareness of human rights standards and mechanisms among the public.

204. The Special Rapporteur notes that the police forces in the former Yugoslav Republic of Macedonia still resort to irregular methods in the discharge of their duties. The arbitrary use of so-called "informative talks" and interrogations is particularly disturbing. She, therefore, urges the Government to take the necessary steps to improve discipline among the police and to intensify human rights training for law enforcement officials.

205. The Special Rapporteur encourages the Government to continue its efforts to ensure equal access by the national minorities to education and employment at all levels, and in particular to explore alternative ways of enabling these groups to enjoy higher education in their own language. The special needs of the minorities should also be taken into account in the preparation of the new law on higher education. She calls on all parties concerned to maintain an open dialogue and to approach the remaining problems and issues within the framework of the Constitution.

206. The Special Rapporteur welcomes the admission of the former Yugoslav Republic of Macedonia to the OSCE in October 1995 and the Council of Europe in November 1995. She is convinced that the country's membership in these institutions will provide an adequate framework for a further development and promotion of human rights and freedoms. However, it should also be noted that the country's admission to the Council of Europe and, in particular, its ratification of the European Convention on Human Rights will oblige the Government to further intensify its efforts to design legislation and policies in line with international and European standards.

VI. GENERAL CONCLUSIONS AND RECOMMENDATIONS

207. While much is being done to try to ensure immediate protection of human rights in the region of the former Yugoslavia, it is vital to sow the seeds now for post-IFOR peace. All possible assistance should be given to official human rights institutions, such as the Ombudsman and the Human Rights Chamber created by the Dayton Agreements in Bosnia and Herzegovina, and the Ombudsmen of the Federation, since they will take over once the international community leaves. Local human rights NGOs throughout the region, including those attending to women's and children's needs, will need and deserve international support.

208. Particular emphasis should be placed on the needs of the most vulnerable victims of the war - children and youth - who must be protected from a fate as a "lost generation". Programmes that bring youth of different nationalities together, and that address the trauma left by war will greatly enhance long-term prospects for peace and social harmony.

209. The media played a major role in causing war in the former Yugoslavia, and they bear major responsibility for ensuring that it does not start again. All relevant measures, including legislative provisions, must be vigorously pursued to suppress the dissemination of war propaganda and speech which advocates inter-ethnic hatred. Substantial improvements in media freedom must also be made immediately to ensure the validity of upcoming elections in Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

210. The Special Rapporteur has noted the exceptionally positive achievements in the area of human rights of all of the parties to the conflict in the former Yugoslavia over the last several months. She is committed to continuing meaningful dialogues with authorities of all sides and to learning first-hand of the impact of official decisions on the people of the region. However, as with other issues in the peace process, the emphasis for human rights must be on actions, not words, and to seeing that promises made are kept.

Annex

PROGRAMME OF MEETINGS OF THE SPECIAL RAPPORTEUR

Mission of 26 November-4 December 1995

Sunday, 26 November

Belgrade

Mr. Milan Milutinovic	Minister of Foreign Affairs
Ms. Margit Savovic	Federal Minister for Freedoms of the Citizen and National Minority Rights
Mr. Branko Brankovic	Head of International Organizations, Ministry of Foreign Affairs
Ms. Mirjana Radic	Counsellor for International Organizations
Ms. Gordana Parisovic	Chef de cabinet
Ms. Dusica Berzerovic	Adviser, Secretariat of Information
Mr. Iouri Miakotnykh	Delegate of the Special Representative of the Secretary-General for FRY
Mr. Geoff Beaumont	Deputy Head of UNPF Office, FRY
Ms. Margret O'Keeffe	Chief of Mission, UNHCR
Mr. Aldelmo Risi	Senior Protection Officer, UNHCR
Mr. Dragoslav Popovic	UNICEF Officer-in-Charge
Mr. Vuk Draskovic	SPO (Serbian Renewal Movement) Leader
Ms. Vesna Pesic	Parliament Member, Civil Alliance
Mr. Ivan Vujacic	Parliament Member, Democratic Party
Mr. Mirko Klaren	Editor-in-Chief, Nasa Borba

Monday, 27 November

Pristina, Kosovo

Ms. Aleksa Lovic	Head of Kosovo District
Mr. Milos Nesovic	Deputy Head of Kosovo District
Mr. Bosko Drobnja	Secretary for Information
Mr. Mitar Balevic	President of the City Headquarters District
Dr. Ibrahim Rugova	President, Democratic League of Kosovo (LDK)
Mr. Femi Aghani	Vice-President, LDK
Ms. Edita Tahiri	MP, Foreign Affairs Secretary (LDK)
Dr. Alush Gashi	Adviser to Mr. Rugova

Mr. Sami Kurteshi	Executive Secretary, Council for the Defence of Human Rights and Freedoms
Mr. Pajazit Nushi	Vice-Chairman
Mr. Nekibe Kelmendi	Lawyer
Mr. Sevdije Ahmeti	Representative, Centre for Protection of Women and Children
Ms. Dobruna	Representative
Mr. Veton Surroi	Editor-in-Chief, of KOHA, Albanian Weekly
Mr. Ylber Hysa	Journalist, KOHA
Mr. Gazmend Pula	President, Kosovo Helsinki Committee
Mr. Agni Dika	Secretary, Kosovo Helsinki Committee
Mr. Sefko Alomerovic	President, Sandzak Helsinki Committee
Mr. Ismet Kalic	General Secretary
Ms. Alija Halilovic	Member of the Committee

Tuesday, 28 November

Belgrade

His Holiness Patriarch Pavle

Metropolitan John of Zagreb and Ljubljana

Bishop Nikanot of Soraji KerCovac (Croatia)

Bishop Chrysoston of Bihac and Petrovac (Western Bosnia)

Bishop Jziney of Novi Sad and Backa (Vojvodina)

Wednesday, 29 November

Bjeljina

Dr. Nikola Koljevic	Vice-President, Republika Srpska (RS)
Mr. Dragan Kekic	Head of Commission on Refugees, Bjeljina
Ms. Elizabeth Hoffman	Head of Office, ICRC, Bjeljina
Displaced persons	Collective centre, Brezovo Polje

Banja Luka

Dr. Rajko Kasagic	Prime Minister (designate), Republika Srpska
Mr. Marko Arsovic	Minister of Justice, RS
Mr. Goran Neskovic	Vice-President, State Committee on War Crimes
Mr. Pejo Durasimovic	Chief Inspector, Ministry of Defence, RS
Mr. Milan Krnjajic	Chief of Police, Banja Luka
Mr. Zdravko Miovcic	Adviser to Vice-President Koljevic

Thursday, 30 November

Col. Neville Riley	Chief, United Nations Military Observers, Banja Luka
Mr. Predrag Radic	Mayor, Banja Luka
Mr. Brane Pecanac	Head of Centre for Public Security
Mgr. Franjo Komarica	Catholic Bishop of Banja Luka
Mufti Halilovic	Mufti of Banja Luka
Episkop Jefrem	Orthodox Bishop of Banja Luka
Displaced persons	Collective centre, Banja Luka
Representatives	Humanitarian group Duga
Representatives	Refugees from "Republic of Serb Krajina"
Leaders of Merhamet and Valter group	Banja Luka military prison
Mr. Vladimir Tsiourkos	Head of Office, UNHCR
Mr. Julian Herrera	Protection Officer, UNHCR

Friday, 1 December

Jajce

Mr. Nikola Bilic	Mayor of Jajce
Mr. Dzevad Mlaco	Mayor of Bugojno
Mr. Mesud Duvnjak	Councillor, Bugojno
Ms. Zekija Filipovic	Chef de cabinet, Bugojno
Representatives	Croat and Serb communities, Bugojno

Mostar

Mr. Hans Koschnick	European Union Administrator, Mostar
Ambassador Klaus Metscher	Diplomatic Adviser, European Union Administration (EUA)
Mr. Juhani Vaananen	Political Adviser, EUA
Ambassador Bo Kalfors	Refugee Adviser, EUA
Mr. Dragan Gasic	Press Adviser, EUA
Sir Martin Garrod	Chief of Staff, EUA
Mr. Hans Birchler	Legal Adviser, EUA

Saturday, 2 December

H.E. Kresimir Zubak	President, Federation of Bosnia and Herzegovina
Mr. Safet Orucevic	Mayor, Mostar (east)
Mr. Mijo Brajkovic	Mayor, Mostar (west)
Representatives	Serb community, Mostar
Representatives	UN, UNHCR, ICRC, WHO

Sunday, 3 December

Erdut, Eastern Slavonia, Croatia

Mr. Slobodan Milanovic	Head of Serb delegation
Mr. Milan Milanovic	Head of Srem-Baranja region
Ms. Mikic	Head of Association of Refugees and Displaced Persons
Mr. Dusan Teofilovic	President of Executive Council of Vukovar Municipality
Mr. Bozidar Perovic	Vice President, Executive Council
Representatives	UN, UNHCR, ICRC, ECMM
Representatives	Municipal Assembly, Beli Monastir
Displaced persons	
Non-Serb residents	

Monday, 4 December

Zagreb

H.E. Franjo Tudjman	President of the Republic of Croatia
Dr. Ivo Sanader	Secretary-General of the Presidency
Dr. Ljerka Mintas-Hodak	Vice-Prime Minister, Internal Affairs
Dr. Zeljko Matic	Special Adviser to the President
Ms. Natasha Rajakovic	Press Secretary to the President
Mr. Ivan Jarnjak	Minister of Interior, Republic of Croatia
Mr. Joso Skara	Minister of Labour and Social Welfare
Ms. Vera Babic	Deputy Minister
Ms. Dubravka Simonovic	Head of Human Rights Office, Ministry of Foreign Affairs
Ms. Helena Ujevic-Buljeta	Head of Office for Children, Youth, Marriage and Family Protection

Mr. Gojko Susak	Minister of Defence, Republic of Croatia
Mr. Markica Rebic	Assistant to the Minister
Mr. Thomas McDermott	Head of Office, UNICEF

Mission of 31 January-7 February 1996

Wednesday, 31 January

Skopje

Mr. Henryk Sokalski	Assistant Secretary-General, UNPREDEP
Ambassador Tore Bogh	Chief of Mission, OSCE
Mr. Valdimir Michlin	Director, Open Society Macedonia (Soros Foundation)
Representatives	Democratic Forum for Protection of Human Rights and Freedoms, Gostivar
Representatives	Macedonia Helsinki Human Rights Committee

Thursday, 1 February

H.E. Kiro Gligorov	President of the Republic
Mr. Stojan Andov	President, Assembly of the Republic
Mr. Branko Crenkovski	Prime Minister
Mr. Ljubomir Frckovski	Minister of Internal Affairs
Dr. Emilija Simoska	Minister of Education
Dr. Vlado Popovski	Minister of Justice
Finnish Battalion	

Friday, 2 February

Kupljensko Camp

Ms. Alessandra Morelli	Head of Office, UNHCR
Mr. Ramo Hirkic	Refugee committee
Mr. Osman Causevic	Refugee committee
Representatives	ICRC, MSF, UNHCR

Velika Kladusa

Mr. Ejub Alagic	Mayor of Velika Kladusa
Mr. Ahmet Sarajlija	Deputy Ombudsman
Mr. Sisic	Commander, Joint Police Force
Representatives	UNHCR, ICRC

Zagreb

Dr. Mate Granic	Minister of Foreign Affairs
Mr. Ivan Simonovic	First Deputy Minister, Foreign Affairs
Ms. Dubravka Simonovic	Head of Human Rights Office Ministry of Foreign Affairs

Saturday, 3 February

Sarajevo

Adm. Leighton Smith	Commander, IFOR
Mr. Michael Steiner	Deputy of the High Representative
Mr. Srdan Dizdarevic	Helsinki Committee for Human Rights
Mr. Mladen Pandurevic	Serb Civic Council
Representatives	Croat society Napradek
Children	Ljubica Ivezic children's home
Mr. Mirhunisa Komarica	President, Committee for Refugees and Displaced Persons
Displaced persons from Srebrenica	

Sunday, 4 February

Srebrenica

Tuzla

Representatives	UN, UNHCR, ICRC

Monday, 5 February

Mr. Selim Beslagic	Mayor of Tuzla
Representatives	Serb and Croat communities
Representatives	Tuzla Citizens Forum
Representatives	Human rights NGOs
Displaced persons from Srebrenica and Zepa	
Finnish Battalion	

Tuesday, 6 February

Pale

Dr. Nikola Koljevic	Vice-President, Republika Srpska
Dr. Rajko Kasagic	Prime Minister, RS
Dr. Momcilo Krajisnik	Speaker, RS Assembly

Grbavica

Representatives	Grbavica and Ilidza residents

Sarajevo

Dr. Hasan Muratovic	Prime Minister, Bosnia and Herzegovina
Mr. Muharem Cero	Minister for Refugees
Mr. Amur Masovic	Head of the Commission for Exchange
Ambassador Robert Frowick	Head of Mission, OSCE

Wednesday, 7 February

Zagreb

Mr. Veselin Pejnovic	Serb Member of Parliament